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ABSTRACT

This document describes activities and presents recommendations of the National Advisory Council on Indian Education (NACIE) for fiscal year 1989. NACIE activities included: (1) development of regulations and administrative practices and policies; (2) review of applications for assistance under the Indian Education Act of 1988; (3) evaluation of all federal programs and projects that benefit Indian students; (4) publication of the NACIE Newsletter to provide technical assistance and to disseminate information; (5) submission of recommendations to the Secretary of Education on proposed federal regulations; (6) submission of a list of nominees for the Director of the Office of Indian Education; and (7) submission of the NACIE 15th Annual Report to Congress. Updates of education statistics reflect trends in elementary, secondary, and postsecondary Indian Education. Recommendations for educating the American Indian/Alaska Native family, in line with the national education goals, incorporate the concerns and opinions of Indian and Alaskan educators and leaders. Appendices include: (1) dates and places of NACIE meetings; (2) list of Indian Education Act fellowship recipients for 1989; (3) profiles of programs benefiting Indian/Alaska Native students for 1989; (4) nominees and winners of the National Leadership and Achievement Program for Outstanding Alaska and American Indian Youth for 1989; (5) abstracts on nine projects selected for the 1989 Office of Indian Education Showcase of Effective Projects (Title V); and (6) the text of Title V; and a copy of the sections of the Code of Federal Regulations relating to Indian Education. (LP)

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ED344714

"Educating the American Indian/ Alaska Native Family"

16th Annual Report
to the
United States Congress
Fiscal Year 1989

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

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PRESIDENTIAL APPOINTEES IN FISCAL YEAR 1989

As provided in 5 U.S.C. 1233(b), these members continue to serve until the President appoints their successors.

Chairperson:
Eddie L. Tullis (Creek)
Tribal Chairman
Poarch Band of Creeks
Star Route A, Box 105-A
Atmore, AL 36502
Term expires 9/29/88

Ronald P. Andrade (Luiseno-Diegueno)
U.S. Department of Energy
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Term expires 9/29/89

Louis R. Bruce (Mohawk-Sioux)
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Term expires 9/29/89

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Term expires 9/29/91

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Term expires 9/29/89

Omar J. Lane (Creek)
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Policy and Intergov'tal Relations Advisor
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Dr. Helen M. Scheirbeck (Lumbee)
North Carolina Indian Cult. Center
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Pembroke, NC 28372
Term expires 9/29/90

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General Counsel
Seminole Tribe of Florida
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Hollywood, FL 33024
Term expires 9/29/91

Clarence W. Skye (Sioux)
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United Sioux Tribes of South Dakota
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Term expired 1/17/89

Darius "Kanie" St. Paul (Colville)
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Paschal Sherman Indian School
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Omak, WA 98841
Term expires 9/29/91

Robert Youngdeer (Cherokee)
Principal Chief
Eastern Band of Cherokee
P.O. Box 455
Cherokee, NC 28719
Term expired 1/18/89

NACIE STAFF: Jo Jo Hunt (Lumbee), Executive Director
Denise Bambi Kraus (Tlingit), Legislative Policy Analyst
John W. Cheek (Creek), Education Program Specialist
Mary Evelyn Mahsetky (Cherokee/Kickapoo), Staff Assistant

EDUCATING THE AMERICAN INDIAN/ALASKA NATIVE FAMILY

NACIE

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

16th ANNUAL REPORT TO THE UNITED STATES CONGRESS

FISCAL YEAR 1989

National Advisory Council on Indian Education
330 "C" Street SW., Room 4072
Switzer Building
Washington, DC 20202-7556
202-732-1353

ANNUAL REPORT COMMITTEE

Members: Robert K. Chiago, Chairperson
Dr. Helen M. Scheirbeck
Mrs. Andrea L. Barlow

16th Annual Report

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NATIONAL
ADVISORY COUNCIL
ON INDIAN EDUCATION

330 C Street, S.W., Room 4072
Washington, D.C. 20202-7556
(202) 732-1353

March 31, 1990

The Honorable J. Danforth Quayle
President of the Senate
Washington, DC 20510

Dear Mr. President:

The National Advisory Council on Indian Education (NACIE) hereby submits its 16th Annual Report for Fiscal Year 1989, "Educating the American Indian/Alaska Native Family." This report is required by section 5342 of Public Law 100-297, which authorizes the Council and mandates its functions.

In fiscal year 1989, Council Members met on several occasions with Indian and Alaska Native educators and leaders to hear their concerns and opinions on various Indian education issues. These views are reflected in the recommendations made by the Council in this report. It is important to note that Indian and Alaska Native people are concerned about the quality of education of Indian and Alaska Native students in public schools, Bureau of Indian Affairs-operated schools, and tribally-operated schools; about the operational funding needs of these schools; and about the construction needs of these schools. In addition, there are concerns about the need for stable funding for tribal colleges for both operations and construction. The area of adult education affects the entire Indian or Alaska Native family, and inadequate resources have been committed to Indian and Alaska Native communities both from Indian education sources and federal adult education sources. Vocational-technical education and higher education/scholarship issues also concern Indian and Alaska Native people.

The National Advisory Council on Indian Education appreciates the concern and efforts of both the Congress and the Administration over the years in Indian and Alaska Native education. The diverse Indian and Alaska Native population lives on reservations, in urban areas, and in rural nonreservation areas; includes members of tribes and villages which have a special government-to-government relationship with the United States, as well as state recognized and terminated tribes; and also includes communities in various stages of development. However, they all have in common the concern for the future of the American Indian or Alaska Native family and the role education will play in preparing the family for the 21st century. An increase in the educational attainment of an Indian or Alaska Native adult will greatly affect the entire family, as a rise in the educational attainment of students will eventually affect the entire community. Although progress has been made, the current education level of the Indian and Alaska Native population still ranks at the bottom of the American population; consequently, there must be a very special effort made by the federal, state, and tribal governments as well as individual teachers, administrators, parents, and others to assist this population.

Sincerely,

Eddie L Tullis

Eddie L. Tullis
Chairman

NATIONAL
ADVISORY COUNCIL
ON INDIAN EDUCATION

330 C Street, S.W., Room 4072
Washington, D.C. 20202-7556
(202) 732-1353

March 31, 1990

The Honorable Thomas F. Foley
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

The National Advisory Council on Indian Education (NACIE) hereby submits its 16th Annual Report for Fiscal Year 1989, "Educating the American Indian/Alaska Native Family." This report is required by section 5342 of Public Law 100-297, which authorizes the Council and mandates its functions.

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Sincerely,

Eddie L Tullis

Eddie L. Tullis
Chairman

A Presidential Council Established by Congress

In Memoriam

LOUIS ROOKS BRUCE
(Mohawk-Sioux)

1905-1989

The Members and staff of the National Advisory Council on Indian Education respectfully pay tribute to former Commissioner of Indian Affairs Louis R. Bruce, a respected and loved Member of the Council until his resignation in March 1989 due to prolonged illness. His death in May 1989 left a long legacy of contributions to the American Indian and Alaska Native communities. We are grateful to have enjoyed Commissioner Bruce's warm smiles, his caring for his fellow man, and his concern for the education of all Indian and Alaska Native people.

This annual report is dedicated to the memory of Commissioner Bruce with the hope and prayer that we all will have his lifelong diligence in working to improve the educational opportunities for Indian and Alaska Native children and adults.

PART I

INTRODUCTION

The 16th Annual Report of the activities and recommendations of the National Advisory Council on Indian Education (NACIE) is hereby submitted to the Congress. The reporting period is fiscal year 1989, covering October 1, 1988, through September 30, 1989. This report is required by section 5342(b)(7) of Public Law 100-297.

The Council has been in existence since 1973 and held its first meeting in Arlington, Virginia, on May 19, 1973. The Indian Education Act (Title IV, Public Law 92-318), originally enacted in 1972, established the Council to consist of 15 Members who are Indians and Alaska Natives appointed by the President of the United States from lists of nominees furnished from time to time by Indian tribes and organizations and representing diverse geographic areas of the country. The Council has been reauthorized over the years with the last such action in the Indian Education Act of 1988 (Part C, Title V, Public Law 100-297). A Member of the Council is appointed for a term not to exceed three years but serves until the President appoints a successor.

The Indian Education Act of 1988 has, subject to section 448(b) of the General Education Provisions Act, authorized the Council to continue to exist until October 1, 1993. That Act delineates the Council's statutory functions and provides authorization for appropriations for the Council.

The Council has seen a number of changes in its composition and its staff in fiscal year 1989. New Members were appointed, including Mrs. Joan K. Harte to succeed Mr. Clarence W. Skye and Mr. Darius "Kanie" St. Paul to succeed Mr. Robert Youngdeer. One Member, Mr. Jim Shore, was reappointed. The Chairman of the Council during fiscal year 1989 was Mr. Omar J. Lane. Staff changes were also made with the appointment of Ms. Jo Jo Hunt, effective December 1988, as executive director to replace Mrs. Gloria Ann Duus, a Council Member, who had served as acting executive director during the search for a permanent director. The Council greatly appreciates the efforts of Mrs. Duus from March through November 1988 in performing its administrative functions. In December 1988, Mrs. Duus returned to the status of Council Member. Mr. John W. Cheek joined the staff in January 1989 in the position of education specialist. Mrs. Joyce Stanley served as secretary for the Council office for approximately six years and left the staff in February 1989. Mrs. Mary Evelyn Mahsetky joined the staff in February 1989 in the position of staff assistant. Ms. Bambi Kraus was promoted to Legislative Policy Analyst in November 1988.

With these changes, the Council continued its activities mandated under the Act (as indicated in Part II of this report), including the search for a new Director, Office of Indian Education, Department of Education. Title V of Public Law 100-297 brought changes in the law governing the administration of Indian education programs and also authorized the President to call a White House Conference on Indian Education. The Council Members and staff were active in sharing information on the new law and regulations and the potential for a White House Conference through participation in conferences and through the **NACIE Newsletter**. In addition, the Council concluded its national youth award competition. Council Members and staff continued discussions with Indian educators and tribal leaders at various meetings throughout fiscal year 1989.

The title of this annual report, "Educating the American Indian/Alaska Native Family," was selected to reflect the intent of the Council's recommendations herein and the need to focus on the varied and diverse educational needs of Indian and Alaska Native communities, including the basic education, vocational-technical education, and professional development needs to foster economic development in such communities. The Council and the Indian and Alaska Native people believe that any Indian or Alaska Native student can learn, if provided the opportunity, and that through education, together with economic development, the economic self-sufficiency of Indian and Alaska Native people can become a reality. However, economic development without education and training of our people will lead to tribal and village enterprises staffed by others and continued high Indian/Alaska Native unemployment.

AUTHORITY

Section 5342 of the Indian Education Act (Part C of Title V of P.L. 100-297, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988; 25 U.S.C. 2642). The Council is governed by the provisions of Part D of the General Education Provisions Act (P.L. 90-247, as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C Appendix I) which set forth standards for the formation and use of advisory committees.

FUNCTIONS OF COUNCIL

The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 and to advise the Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit. More specifically, the Council is directed to:

1. Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate, or from which they can benefit, including the programs authorized by the Indian Education Act of 1988, and with respect to adequate funding thereof;

2. Review applications for assistance under the Indian Education Act of 1988 and make recommendations to the Secretary with respect to their approval;

3. Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and disseminate the results of such evaluations;

4. Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

5. Assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under subpart 1 of the Indian Education Act of 1988;

6. Submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education (whenever a vacancy occurs); and

7. Submit to the Congress no later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs.

COUNCIL COMMITTEES IN FISCAL YEAR 1989

Executive Committee

Chairperson	Omar J. Lane
First Vice Chairperson	Eddie L. Tullis
Second Vice Chairperson	Robert K. Chiago
First Member at Large	Margaret F. Nelson
Second Member at Large	Ronald P. Andrade

Legislative, Rules, Regulations, and Programs Committee

Chairperson	Ronald P. Andrade
Member	Clarence W. Skye
Member	Robert Youngdeer
Member	Joan K. Harte
Member	Darius "Kanie" St. Paul

Communications Committee

Chairperson	Robert K. Chiago
Member	Helen M. Scheirbeck

Interagency and Tribal Relations Committee

Chairperson	Eddie L. Tullis
Member	James A. Hunt
Member	W.L. "Buck" Martin
Member	Jim Shore

School Quality Control Committee

Chairperson	Margaret F. Nelson
Member	Andrea L. Barlow
Member	Louis R. Bruce
Member	Marie C. Cox
Member	Gloria A. Duus

Search Committee

Executive Committee Members

Proposal Review Committee

All Council Members

PART II

COUNCIL ACTIVITIES IN FISCAL YEAR 1989

Development of Regulations and Administrative Practices and Policies (Legislative Mandate #1)

During fiscal year 1989, the Office of Indian Education of the Department of Education amended its program regulations to conform to changes in the Indian Education Act of 1988 (Part C, Title V, Public Law 100-297, as amended by Public Law 100-427). The National Advisory Council on Indian Education prepared and submitted comments to Secretary of Education Lauro F. Cavazos on the following proposed regulations. A copy of the current regulations, including all amendments, is included in Appendix I.

General Provisions and Discretionary Grants/Formula Grants to Local Educational Agencies

On November 16, 1988, the Department of Education published in the **Federal Register**, "Indian Education General Provisions and Discretionary Grants; Notice of Proposed Rulemaking." The closing date for comments was January 17, 1989. These proposed regulations incorporated technical amendments required by the Indian Education Act of 1988, including changes in definitions and requirements for grants under a new gifted and talented program. On February 1, 1989, the Council submitted to the Secretary of Education recommendations on the proposed rulemaking. Along with several substantive recommendations, the Council specifically requested that it be provided a copy of the draft notice at least 10 days prior to publication of notice of proposed rulemaking or final rules. Final regulations were printed on May 11, 1989, and were effective July 19, 1989.

The Department of Education also printed in the **Federal Register** on November 16, 1989, "Formula Grant Program; Local Educational Agencies; Notice of Proposed Rulemaking." The closing date was also January 17, 1989. The Council also submitted comments to the Secretary of Education on these proposed regulations. This call for comments included the proposed regulations governing eligibility of the Bureau of Indian Affairs schools and the clarification of the requirements for including children in the applicant's count of Indian students to generate funds under the program. The final regulations, which were published on May 4, 1989, provide that formula grants may be awarded to local educational agencies (LEAs), which include public school districts, tribally controlled schools, and schools operated by the Bureau of Indian Affairs. The final regulations also clarify the requirements for including children in the applicant's count of Indian students to generate funds under the program. The final regulations do not change the proposed rulemaking notice of establishing a date or a period, not exceeding 30 days, during which the LEA conducts the count and the minimum information required on the student certification form (ED Form 506). New sections in the regulations add provisions regarding how it is determined that a grantee is in compliance with student certification requirements and what action is taken if a grantee fails to meet the student certification requirements. The final regulations were effective on June 18, 1989.

Development of Regulations, continued
(Legislative Mandate #1)

The Council Members were concerned that no comments were received from the field regarding the proposed amendments to the discretionary regulations and that only four parties submitted comments on the formula grant proposed regulations. The Council suggested that this may be due to the tedious process one has to follow to determine what actual changes are being made in existing regulations. The Council recommended that future proposed and final rulemaking be published as an amendment in the nature of a substitute so that grantees and other interested parties can determine how the regulations will actually read with such changes. It should be noted that in reviewing the changes effected by the proposed formula grant rulemaking, one had to review not only the **Federal Register** notice of proposed rulemaking but also Public Law 100-297, the technical amendments to such law contained in Public Law 100-427, the then current regulations as printed in the newest available bound volume of Title 34 of the Code of Federal Regulations (revised as of July 1, 1987), and the final formula grant regulations published in the **Federal Register** on July 28, 1987. This tedious review and comparison is difficult for an attorney with a background in legislation and regulations and would be virtually impossible for the average layperson in Indian Country.

Indian Fellowship Program

The Secretary of Education published a notice of proposed rulemaking for the Indian Fellowship Program in the **Federal Register** on October 12, 1988. The Council did not comment on these regulations but had provided general recommendations on the program in conjunction with fellowship application review earlier in 1988. On May 18, 1989, the Department of Education published the final fellowship program regulations, which provide that Indian fellowships will be awarded primarily on the basis of scholastic merit and not on demonstrated financial need. Detailed examples of allowable related fields of study were omitted in the amended regulations. Except for minor editorial and technical revisions, there was no difference between the notice of proposed rulemaking and the final regulations. The regulations were effective July 19, 1989.

Other Activities

Implementation of Indian preference in the newly reorganized Office of Indian Education was one of the most complex issues in fiscal year 1989. In addition, the Indian Education Act of 1988 provides for a one-time preference for non-Indian employees who were serving in OIE on the date of enactment of such Act and who desire to take another position in the Department not within OIE. The Council and staff maintained close communication regarding both Indian and non-Indian preference policies with the Office of Indian Education, the Office of Elementary and Secondary Education, and the Office of the Secretary. The Council offered its assistance and recommendations on the implementation of Indian preference, along with distributing vacancy announcements for positions for the newly reorganized OIE positions, and also stressed the importance of fair treatment of individuals entitled to the one-time non-Indian preference. Other

Development of Regulations, continued
(Legislative Mandate #1)

discussions with Department of Education officials concerned the Even Start Program exclusion of Bureau of Indian Affairs and tribal schools from eligibility, audit problems of several LEAs resulting from student count issues, Indian education statistical information needs, offer of Council Members and staff to brief the Secretary and other Department of Education officials, and the need to call the White House Conference on Indian Education.

Review Applications
(Legislative Mandate #2)

The Proposal Review Committee of the Council met on April 3-4, 1989, in Washington, DC, to review applications for assistance under the Indian Education Act of 1988 and to make recommendations to the Secretary of Education with respect to their approval. The Committee reviewed applications for discretionary awards under the programs authorized by subparts 1, 2, and 3 of such Act for discretionary grants to Indian-controlled schools; planning, pilot, and demonstration projects; educational personnel development projects; educational services for Indian children; educational services for Indian adults; and Indian fellowships. The Committee was delegated authority by the full Council to act on its behalf in the application review process. Each Council Member attending the Committee meeting signed a certification attesting to the absence of a conflict of interest. Recommendations were formulated at the meeting and officially submitted to Secretary of Education Cavazos on April 12, 1989. Acting Assistant Secretary Daniel F. Bonner responded on May 18, 1989, to the Council's recommendations.

The Office of Indian Education engages panels of readers to review and score all Indian Education Act discretionary and fellowship applications, after which the scores are standardized and the applications are ranked in order of highest to lowest score. Since the applications are so numerous as to make it impossible for Council Members to review all applications submitted, the Committee reviews only the applications that the readers have scored high enough to be funded. The Committee voted to approve the funding of all applications on the slates with provisos regarding certain fellowship applications. General recommendations were as follows:

1. Federal readers for proposal review and scoring should have a sensitivity to Indian affairs, and agencies such as the Administration for Native Americans (Department of Health and Human Services), Bureau of Indian Affairs, Indian Health Service, and Indian Head Start Program (Department of Health and Human Services) should be approached to provide Indian readers for Indian Education Act proposal reading.

Review Applications, continued
(Legislative Mandate #2)

2. The Director of the Office of Indian Education should investigate ways that technical assistance in proposal writing may be provided to tribes and organizations interested in submitting applications for discretionary grants. There is such competition for these grants, and it appears that sometimes the more needy groups do not receive grants but that grants are awarded to the applicants which have the best written proposals. There is also a lack of equitable geographical distribution with Indian tribes and organizations in the eastern part of the country often left out. Technical assistance in proposal writing should help to alleviate some of the seemingly inequitable distribution of grants.
3. It was noted that there were notations in the files of proposed reductions by OIE staff in the budgets of certain discretionary grantees (excluding fellowships). The Committee recommends that there should be a fixed percentage reduction rate so that all grantees equally share any reductions and more grantees may be funded.
4. The National Advisory Council on Indian Education should become involved in the proposal review process at an earlier stage than is currently practiced. Members of the Council should serve as panel moderators for the field reading process.
5. The Office of Indian Education should provide the Council with a description of how readers are selected and a step-by-step description of the entire application review process outlining authority of the Director to make decisions at each step so the Council will know where and to whom to address its concerns.

Evaluate Programs and Projects
(Legislative Mandate #3)

In an effort to fulfill the Council's mandate to oversee all federal education programs that benefit Indian students, Council staff researched and organized the chart, "Programs Benefiting Indian Students in Fiscal Year 1988." This chart was initially distributed to the Council's mailing list and then included in the **NACIE 15th Annual Report to the U.S. Congress.** Thirty-three programs were profiled in the chart. In fiscal year 1989, similar information was collected and is included in the Appendix D of this report.

On January 17, 1989, as part of its meeting held in Bethesda, Maryland, the Council held an open discussion with Indian educators, representatives of Indian tribes and organizations, and others interested in the education of Indian children and adults to identify issues and problems, determine the best solutions, and develop action plans to address these concerns.

Evaluate Programs and Projects, continued
(Legislative Mandate #3)

The Council initiated a study of the programs from which Indians can benefit but are not now participating to determine the reason therefor in order for the Council to make any necessary recommendations for change. In addition, a section was added to the NACIE **Newsletter** spotlighting innovative programs, including programs and projects funded through the Department of Education, thereby allowing dissemination of information on these special projects.

Provide Technical Assistance
(Legislative Mandate #4)

The Council disseminated information to Indian and Alaska Native individuals, tribes, villages, schools, community colleges, and public and private schools, universities, and other organizations serving Indian students through the **NACIE Newsletter**, other mailings, annual report, telephone contacts, and meetings. During the fiscal year, the NACIE staff published three issues of the **NACIE Newsletter** that were available to the public free of cost. These newsletters contained information on NACIE activities, Congressional activities, reports and studies, **Federal Register** notices, activities of the Department of Education, conference announcements, job vacancies, and other Indian education news.

The Council Members and staff attended and participated in several conferences and other meetings to share information. Specifically, Council Members and Executive Director Jo Jo Hunt participated in the following activities:

o NACIE and the National Indian Education Association (NIEA) co-hosted a round-table discussion on Indian education issues in Tulsa, Oklahoma, on November 13, 1989. Along with then NACIE Chairman Buck Martin and NIEA President Ed Parisian, other national leaders attended to present their views on the current state of Indian education. Council Members also conducted a business meeting and attended and participated on November 14-16, 1988, in the 20th Annual Conference of the National Indian Education Association in Tulsa.

o On February 7, 1989, the NACIE Executive Director participated in an informal panel discussion on Indian issues, including education, with jounalists in the 51st Class of Nieman Foundation Fellows at Harvard University. On February 8, she provided an update of Council activities to community people at the Boston Indian Council (BIC) and received information on BIC's education programs.

Provide Technical Assistance, continued
(Legislative Mandate #4)

o During the first week of March 1989, the Office of Indian Education sponsored a meeting of state Indian education coordinators and staff of various Department of Education programs that benefit Indian students. The NACIE Executive Director participated in the meeting and presented an update of the Council's activities.

o The NACIE Executive Director participated in the United South and Eastern Tribes Washington Week activities in Washington, DC, with the presentation of a workshop on February 14 and serving on a panel on February 15.

o The North Carolina Indian Unity Conference was held in mid March 1989 in Fayetteville, North Carolina, and the NACIE Executive Director presented, on March 16, a keynote address and a workshop on Indian education issues.

o Council Chairman Omar J. Lane and Council Member Bob Chiago attended and participated in the Annual Western Indian Education Conference in March 1989 in Phoenix, Arizona. The NACIE Executive Director delivered an opening keynote address for the conference and, together with Chairman Lane and Council Member Chiago, presented two workshops. Workshops were held on March 22 and 23, 1989.

o On April 13, 1989, the NACIE Executive Director participated in a forum at the American Indian Higher Education Consortium Annual Conference held in Albuquerque, New Mexico.

o On April 14, 1989, the NACIE Executive Director presented a workshop at the Colorado Indian Education Annual Conference in Denver, Colorado.

o In late April 1989, Council Members Margaret Nelson and Marie Cox and the NACIE Executive Director attended and participated in the Oklahoma Indian Education Exposition held in Norman, Oklahoma. In conjunction with this conference, on April 26, 1989, the Executive Director gave the initiation banquet address for the Oklahoma Indian Student Honor Society. On April 27, she made a presentation on Council activities.

o On May 5, 1989, the NACIE Executive Director delivered the commencement address at the Southwestern Indian Polytechnical Institute in Albuquerque, New Mexico.

o On July 31, 1989, the NACIE Executive Director made a presentation on national Indian education concerns at the Summer Conference for Indian Educators held at Dartmouth College in Hanover, New Hampshire.

Develop Criteria and Regulations for the Administration and Evaluation of Grants Made Under Subpart 1
(Legislative Mandate #5)

On November 16, 1988, the Office of Indian Education, Department of Education published in the **Federal Register** a notice of proposed rulemaking, "Formula Grant Program; Local Educational Agencies; Notice of Proposed Rulemaking." As reported in Legislative Mandate #1 of this part, the Council submitted recommendations on the proposed regulations to the Secretary of Education. See Legislative Mandate #1 above for more details.

Submit a List of Nominees for the Director of the Office of Indian Education Whenever a Vacancy in Such Position Occurs
(Legislative Mandate #6)

The search process for a permanent Director of the Office of Indian Education was again conducted in fiscal year 1989 due to the illness and untimely death of former Director John Sam. The Council urged the Department of Education to post the vacancy announcement as soon as possible and expeditiously fill the position of Director of OIE. The Council made recommendations regarding changes to the draft vacancy announcement and assisted in dissemination of the announcement.

Council Chairman Omar J. Lane appointed a Council Member to serve on the Executive Resources Board rating panel convened to review and score applications for the position. On May 22, 1989, the Council's Search Committee reviewed the applications of six candidates and developed a list of questions to be used in the interviewing of each such candidate. On May 23, 1989, the full Council interviewed the six candidates and determined the individuals to be nominated for the position. On May 24, 1989, the Council formally submitted to the Secretary of Education its rank-ordered list of three nominees. The Secretary of Education did not name a permanent OIE director in fiscal year 1989.

Submit a Report on the Council's Activities
(Legislative Mandate #7)

The Council submitted the manuscript version of the **NACIE 15th Annual Report to the U.S. Congress** to the Department of Education in August 1988. The final, printed version, "Building from Yesterday to Tomorrow: The Continuing Federal Role in Indian Education," was distributed at a later date. In a letter dated March 19, 1990, the Secretary responded to the Council's recommendations contained in the report.

PART III

UPDATE OF INDIAN EDUCATION STATISTICS

The National Advisory Council on Indian Education has been very concerned about the lack of a readily available compilation of statistical and other information regarding the education of Indian and Alaska Native children and adults. The Council made an effort in its annual report for fiscal year 1988 to collect as much information as possible from all identified sources so that the Congress, the Administration, Indian and Alaska Native people, and other interested parties could begin to assess the needs, observe the successes, and plan for the future of Indian and Alaska Native education. The Council has again collected information for fiscal year 1989 and plans to continue to do so until the National Center for Education Statistics (NCES) of the Department of Education or some other responsible entity assumes the collection of necessary information on Indian and Alaska Native students.

It should be noted that NCES does publish certain information on Indians and Alaska Natives in the postsecondary volume of the annual publication **Condition of Education** but that little, if any, information on Indians and Alaska Natives is reported in the elementary and secondary volume. In addition, NCES publishes the **Digest of Education Statistics.** The report of the Quality Education for Minorities Project, published in January 1989, noted that in the 1988 edition of **Digest**, only 21 of the 303 tables provide any data on Indians and Alaska Natives. A close review of the 1989 edition of **Digest** shows no better coverage.

Since the publication of the **NACIE 15th Annual Report**, there have been numerous updates in the reporting of numbers of Indians/Alaska Natives attending the various educational institutions in the United States. The most currently available data have been used for this report and, as a result, some figures may not match those reported in the fiscal year 1988 annual report. The differences are due primarily to annual updates in statistical data acquired from NCES. Additionally, some enrollment figures do not become consistent until 2 or 3 years have elapsed. Where specific information was not available through NCES, data from the Bureau of the Census or other appropriate agencies were used, including the Office of Civil Rights of the Department of Education, National Catholic Educational Association, Equal Employment Opportunity Commission, and American Council on Education. These organizations use different sampling methods for arriving at their computations, and comparing similar data from one agency with another is discouraged. Estimates of Indian student participation are included, provided there were consistent rates of Indian participation during prior years. If such was not the case, as in first-professional degree programs where the rate of Indian participation fluctuated from one year to the next, no estimates are given.

Data are included for the first time for Indian participation in two- and four-year institutions; numbers of Indian/Alaska Native students who have received associate and first-professional degrees, as compared with their non-Indian counterparts; participation rates of Indian/Alaska Native students in selected federal programs by state; and Indian/Alaska Natives employed in various educational positions.

INDIAN/ALASKA NATIVE PARTICIPATION IN U.S. EDUCATION

During the 1988-89 school term, approximately 377,000 Indian/Alaska Native students attended the nation's public, private, and Bureau of Indian Affairs elementary and secondary schools. Another 92,000 Indians attended higher education institutions. Indians/Alaska Natives comprise less than one percent of the total population in elementary, secondary, and postsecondary programs. A 1989 Bureau of the Census report indicates that 56 percent of Indians are high school graduates compared to 67 percent of the total U.S. population. Eight percent of Indian students go on to complete 4 or more years of college, while the U.S. average is 16 percent.

It should be noted that much of the data included in this report is based on individuals identifying themselves as Indians or Alaska Natives to the reporting authority. The information from the Bureau of Indian Affairs of the Department of the Interior and from the Office of Indian Education of the Department of Education is most reliable in terms of there being some verification of ethnicity. However, the Bureau of the Census, Equal Employment Opportunity Commission, and various other reporting authorities do not specifically verify ethnicity of individuals through the tribes or Alaska Native villages. While this information is used as the best available, this caveat is offered to the reader.

Table 1 shows the number of identified Indians/Alaska Natives in major educational settings, including Bureau of Indian Affairs (BIA) schools. Overall, from 1988 to 1989, Indian and Alaska Native students attending public/private institutions increased by 3,713, as did those attending BIA-funded schools by 410. The largest gain in Bureau-funded schools were those students attending tribal contract schools. No particular reason was given for the increase in enrollment, other than it may be an indication of transfer by some students and their families from public schools back to the more familiar tribal school setting.

Higher education participants showed a modest gain of approximately 1,000 students for the 1988-89 academic year. Since 1984, the number of Indians in higher education institutions has steadily increased with 1989 registering the largest number ever to attend college.

TABLE 1

Distribution of American Indian/Alaska Native Students

Year	AI/AN Students in Public and Private Schools	AI/AN Students in BIA-Funded Schools	Total	Higher Ed. Institutions
1989	337,089**	39,791	376,880	91,753
1988	333,376***	39,381	372,757	91,000
1987	320,500	39,911	360,411	90,000
1986	355,796	38,475	394,271	90,000
1984	364,313	40,693	405,006	84,000
1982	304,293*	40,773	345,066	88,000
1980	305,730	41,604	347,334	84,000
1978	329,430	41,324	370,754	78,000
1976	288,262	45,609	333,871	76,000
1974	288,208	49,524	337,732	Not Available
1972	232,765	53,646	286,411	Not Available
1970	197,245	52,098	249,343	Not Available
1968	177,463	51,448	228,911	Not Available

NOTE: Some enrollment numbers do not match figures published in the **NACIE 15th Annual Report** due to yearly updates of preliminary data by the National Center for Education Statistics, Department of Education.

Sources: "Office of Civil Rights Survey 1968-1986 (Public and Private School Data)," U.S. Department of Education; BIA Fiscal Year 1968-78 Statistics Concerning Indian Education (BIA-Funded Schools Data); BIA School Reports 1980-86 (BIA-Funded Schools Data); and National Catholic Educational Association 1988 and 1989 data. 1987-89 Bureau of Indian Affairs student data acquired by telephone contact with BIA statistical branch, Washington, DC.

* Office of Indian Education student count only (public school figures).

** Includes the National Catholic Educational Association Indian count of 10,279 (school year 1988-89) plus the Office of Indian Education student count of 326,810.

*** Includes the National Catholic Educational Association Indian count of 9,200 (school year 1987-88) plus the Office of Indian Education student count of 324,176.

American Education at a Glance

In the fall of 1989, 45.6 million students were attending U.S. elementary and secondary schools. This illustrates an increase of over 155,000 students from the previous year and continues the upward participation rate for all students since 1986. Attendance in American schools began to drop during the mid-1980's reflecting fewer "baby-boomers" with their own school-age children. The total public and private school population for all students now appears to be again increasing to the levels of the early 1980's; however, when compared to total enrollment figures for the last 20 years (Table 2), the number of students has decreased. Since 1970, there has been a drop in K-12 enrollment of 5.7 million, while those attending postsecondary institutions increased by 4.4 million.

TABLE 2

20-Year Elementary/Secondary & Postsecondary Enrollment Trends
For All Students

K - 12 Enrollment*	Higher Education Enrollment	Total U.S. Education Enrollment
1989 -- 45.6 million	13.0 million	58.6 million
1985 -- 45.1 million	12.3 million	57.4 million
1980 -- 46.3 million	12.1 million	58.4 million
1975 -- 49.8 million	11.2 million	61.0 million
1970 -- 51.3 million	8.6 million	59.9 million

*Includes private school enrollment.

Source: "Digest of Education Statistics 1989" and "Projections of Education Statistics to 2000", National Center for Education Statistics.

Enrollment in kindergarten through grade 8 rose from 27.0 million in fall 1985 to an estimated 28.4 million in fall 1988. Enrollment in the upper grades decreased from 12.5 million to an estimated 11.8 million over the same period. These two trends resulted in an overall increase in public school enrollment during the three-year period. Between 1970 and 1980, preprimary enrollment increased an additional 22 percent. An important feature of the increasing participation of young children in preprimary schools is the high proportion in full-day kindergarten and nursery school programs.

Indians/Alaska Natives in Private Schools

NCES typically has not maintained data on the number of Indians/Alaska Natives attending K-12 private schools due to the small number of such students enrolled at such schools. In order to determine the number of Indians/Alaska Natives attending private schools, data from the National Catholic Educational Association (NCEA) have again been utilized. Without NCEA's assistance, it would not have been possible to compile enough data from other existing sources for any reliable estimate of the number of Indian/Alaska Native students attending private schools in the United States. Since 1970, NCEA has published statistical information on Catholic elementary and secondary enrollment at its member schools with a breakdown by ethnicity. During the 1988-89 school term, NCEA comprised approximately 50 percent of the private school population in the U.S. and 38 percent of all private schools operating in this country. Of the total NCEA population, 10,279 students (0.41 percent) were identified as being of Native American descent. Although the NCEA total is 50 percent of the private school population, it does not necessarily follow that doubling the figure of 10,279 would provide the number of Indian/Alaska Native students in all U.S. private schools. Table 3 gives the number of Indian students counted by NCEA as compared to the total NCEA, private school, and public school populations.

TABLE 3

Public, Private, and NCEA K-12 Populations

Year	Total Public School Population**	Private School Population	NCEA Population*	NCEA Indian Students*	% of NCEA Pop.
1989	40,191,624	5,400,000	2,498,870	10,279	(.41%)
1988	40,196,000	5,241,000	2,623,031	9,200	(.35%)
1987	40,024,000	5,347,000	2,734,423	9,300	(.34%)
1986	39,837,000	5,452,000	2,821,000	9,700	(.34%)
1985	39,509,000	5,557,000	2,901,757	9,100	(.31%)
1984	39,295,000	5,700,000	2,968,154	9,700	(.33%)
1983	39,352,000	5,715,000	3,026,200	10,700	(.35%)
1982	39,652,000	5,600,000	3,094,000	10,000	(.32%)
1981	40,099,000	5,500,000	3,106,378	9,700	(.31%)
1980	40,987,000	5,331,000	3,140,051	10,000	(.32%)
1971	45,909,000	5,100,000	4,363,000	20,400	(.47%)

* "1988-89 Statistical Report on Schools, Enrollment & Staffing," National Catholic Educational Association (NCEA).

** "Statistics of Public Elementary and Secondary Schools," National Center for Education Statistics.

Table 4 shows the distribution of Indians/Alaska Natives attending NCEA member schools during the 1988-89 school year. As would be expected, there is a large proportion of Indian students in the west and far west region of the United States. Although this represents only 50 percent of the total private school population in the U.S., the distribution roughly parallels the public school demographic pattern for Indian students in general.

TABLE 4

American Indian/Alaska Native Participation in NCEA Schools

Region	Elementary	Secondary	Total
New England	159	68	227
Mid East	941	458	1,399
Great Lakes	1,270	468	1,738
Plains	1,448	353	1,801
South East	300	70	370
West & Far West	3,637	1,107	4,744
Grand Total	7,755	2,524	10,279

Source: "United States Catholic Elementary and Secondary Schools 1988-89 Statistical Report," National Catholic Educational Association.

Eighty percent of all private schools have a religious orientation, and nearly half of these are Catholic schools. During the 1988-89 school term, there were 8,867 Catholic schools (33 percent of all private schools) in this country; of these 7,505 (85 percent) were elementary and 1,362 (15 percent) were secondary schools. As reported in the **NACIE 15th Annual Report**, the Council for American Private Education (CAPE) has indicated that it is considering the gathering of statistical information on the racial breakdown of students, specifically Indians/Alaska Natives, attending its member schools. During the spring of 1990, CAPE plans to send out a survey to all of its member schools requesting such information with preliminary reports to be available during the summer of 1990. This survey instrument will become a permanent part of CAPE's data acquisition process for the future. With access to this forthcoming CAPE data and the existing data collection efforts of NCEA, future NACIE annual reports should provide the most accurate look at the Indian/Alaska Native participation rate in U.S. private schools. Membership within CAPE now comprises 15,000 of the 27,000 private schools and 4.1 million (76 percent) of all private school students.

Indians/Alaska Natives in Higher Education

Several sources of information have been pursued to provide a broader look at the American Indian and Alaska Native in programs of higher education. Surprisingly, it was found that of all Indian/Alaska Native students attending institutions of higher education, the largest area of participation has consistently been in two-year schools offering associate level degrees. As Table 5 shows, since 1976, Indians/Alaska Natives attending two-year institutions have annually maintained an average of 55 percent of the total Indian higher education enrollment, while those attending four-year institutions have averaged 45 percent. Table 5 also compares the number of Indians/Alaska Natives attending postsecondary institutions to their non-Indian counterparts. Comparing 1986 enrollment statistics to 1987 degree totals shows that American Indians/Alaska Natives are underrepresented in earned bachelor's degrees. To illustrate this point, in fall 1986, Indians/Alaska Natives made up 0.7 percent of the undergraduate population but received only 0.4 percent of baccalaureate degrees granted in spring 1987 (see Table 8A).

TABLE 5

Indian Student Enrollment in Higher Education Institutions

Year	All Students	AI/AN Students*	Percentage of Population	AI/AN in 4-Year Inst./ (%)	AI/AN in 2-Year Inst./ (%)
1989	13,043,124	91,753	0.70%	41,289 (45%)**	50,464 (55%)**
1988	12,849,000	91,000	0.71%	41,000 (45%)	50,000 (55%)
1987	12,768,000	90,000	0.70%	40,500 (45%)**	49,500 (55%)**
1986	12,505,000	90,000	0.72%	39,000 (44%)	51,000 (56%)
1984	12,242,000	84,000	0.69%	38,000 (45%)	46,000 (55%)
1982	12,426,000	88,000	0.71%	39,000 (44%)	49,000 (56%)
1980	12,097,000	84,000	0.69%	37,000 (44%)	47,000 (56%)
1978	11,260,000	78,000	0.69%	35,000 (45%)	43,000 (55%)
1976	11,012,000	76,000	0.69%	35,000 (46%)	41,000 (54%)

Source: "Digest of Education Statistics, 1988" and "National Estimates of Higher Education Statistics: 1988," National Center for Education Statistics, U.S. Department of Education.

* "Fall Enrollment in Colleges and Universities" and Integrated Postsecondary Education Data Systems (IPEDS) "Fall Enrollment, 1986" Survey and Unpublished Tabulations (prepared February 1989), National Center for Education Statistics, U.S. Department of Education.

** Estimates based on 45-percent (4-year institutions) and 55-percent (2-year institutions) average rate of participation trend.

The reasons why Indians/Alaska Natives tend to enroll more in two-year institutions may be due to several conditions, including (in no order of importance):

- Expense of four-year over two-year institutions;
- More Indian/Alaska Native adults may be rearing a family, working, and concurrently working toward degree requirements;
- Two-year institutions may be in closer proximity and more readily available and affordable to Indian/Alaska Native students, especially to those attending tribally controlled community colleges; and
- Entrance requirements may be less stringent for two-year colleges.

The 1988-89 school year had the largest number of American Indians/Alaska Natives to ever attend postsecondary institutions. This could be due in part to the growth in the American Indian/Alaska Native population in general. According to a report released by the Bureau of the Census in February 1990, there has been a 19-percent (270,000 persons) increase of American Indians/Alaska Natives since the 1980 decennial census. Table 6 shows the incremental changes in the numbers of Indians/Alaska Natives in the United States for the past nine years. It should noted that Bureau of the Census data on tribes may differ from other sources, such as tribal governments and the Bureau of Indian Affairs, because census data are based on self-identification while statistics from other sources may be based on persons included on tribal rolls or persons with a certain proportion of Indian blood. Indeed, several federal programs use the self-identification method when counting ethnic students participating in their programs. While data from the 1990 census will not be available for at least three years, we can still expect an increase in the American Indian/Alaska Native population.

TABLE 6

American Indians/Alaska Natives in the United States, 1980 to 1988

Year	Total Population
1980	1,429,000
1981	1,458,000
1982	1,490,000
1983	1,524,000
1984	1,559,000
1985	1,594,000
1986	1,629,000
1987	1,664,000
1988	1,699,000

Source: U.S. Bureau of the Census, February 1990.

Tribally Controlled Community Colleges

The earliest of the tribally controlled community colleges has been in existence for approximately 20 years. There is no doubt that these schools have helped to elevate the educational status of Indian people living on remote reservations and have done so on limited budgets which public institutions would not even consider. Serving primarily members of tribes controlling the individual institutions, these schools also admit non-Indians as well to their programs.

Enrollment figures for these schools have continued to steadily increase every year while per pupil expenditures have decreased, since appropriations have only moderately increased each year. Several studies stress the reduction in per pupil funding, but often neglect the increase in students attending these schools. The following table shows the numbers of students enrolled at all tribal colleges since 1981 and per pupil spending. Since 1981, student enrollment has increased 161 percent. There are currently 24 tribally controlled community colleges in the United States with most receiving funding through the Tribally Controlled Community College Assistance Act of 1978, as amended, and other foundation or grant sources.

NOTE: Students attending tribally controlled community colleges are included in enrollment figures under two-year institutions in Table 5.

TABLE 7

Tribal College Enrollment, 1981 to 1989

Year	Student Enrollment	Per Pupil Expenditure
1989	4,400	$1,964
1988	3,908	$2,139
1987	3,020	$2,317
1986	3,000	$2,317
1985	2,853	$2,459
1984	2,306	$2,616
1983	2,065	$2,194
1982	2,089	$2,826
1981	1,689	$3,100

Source: Tribal College Enrollment - Funding History prepared by the American Indian Higher Education Consortium, 1990.

Table 8 shows the number of degrees received by Indians/Alaska Natives for selected years since 1976. While such students consistently increase participation in all postsecondary areas, there continues to be a limited number of students actually graduating from these institutions. As previously mentioned, the majority of Indians/Alaska Natives in postsecondary institutions attend two-year schools; however, degree completions at the associate level appears to be somewhat less than at the baccalaureate level, giving the appearance that all who attend these institutions do not graduate. Total Indian/Alaska Native enrollment reached almost 92,000 for the 1988-89 school year, by far representing the highest enrollment yet in institutions of higher education.

Indians/Alaska Natives, as well as most other minorities, have experienced in the last few years minimal increases in degrees received at the baccalaureate level. The largest number of degree recipients for Indians occurred during the 1984-85 school year with 4,200 awards being made.

TABLE 8

American Indian/Alaska Native Degree Recipients in Higher Education, Various Years

Associates Degrees Conferred

	All Students	AI/AN Students	% of Students
1988-89	439,000	No Trend Evident	
1987-88	424,000	No Trend Evident	
1986-87	427,000	3,197	0.75%
1984-85	454,712	2,953	0.65%
1980-81	416,377	3,574	0.86%
1978-79	402,702	3,073	0.76%
1976-77	406,377	NA	NA

NA - Not Available

TABLE 8A

American Indian/Alaska Native Degree Recipients in Higher Education, Various Years, continued

Bachelor's Degrees Conferred

	All Students	AI/AN Students	% of Students
1988-89**	994,000	4,000	0.4%
1987-88**	989,000	4,000	0.4%
1986-87*	991,264	3,975	0.40%
1984-85	979,477	4,246	0.43%
1980-81	935,140	3,593	0.38%
1978-79	921,390	3,404	0.37%
1976-77	919,549	3,319	0.36%

Master's Degrees Conferred

	All Students	AI/AN Students	% of Students
1988-89**	293,000	1,200	0.4%
1987-88**	290,000	1,200	0.4%
1986-87*	289,349	1,107	0.38%
1984-85	286,251	1,256	0.45%
1980-81	295,739	1,034	0.35%
1978-79	301,079	999	0.33%
1976-77	317,164	967	0.31%

Doctoral Degrees Conferred

	All Students	AI/AN Students	% of Students
1988-89**	34,000	136	0.4%
1987-88*	33,456	93	0.4%
1986-87*	32,367	115	0.4%
1984-85	32,307	119	0.37%
1980-81	32,389	130	0.39%
1978-79	32,664	104	0.32%
1976-77	33,111	95	0.29%

First-professional Degrees

	All Students	AI/AN Students	% of Students
1988-89	72,200	No Trend Evident	
1987-88	74,400	No Trend Evident	
1986-87	73,700	304	0.41%
1984-85	75,063	248	0.33%
1980-81	71,956	192	0.27%
1978-79	68,848	216	0.31%
1976-77	64,359	No Data Available	

Source: "Condition of Education 1989," Volume 2, Postsecondary Education, National Center for Education Statistics, U.S. Department of Education.

* "Eighth Annual Status Report on Minorities in Higher Education," American Council on Education, December 1989.

** Projections by National Center for Education Statistics of numbers of degrees to be conferred on all students were used to calculate the projections of the number of degrees expected to be conferred on American Indians/Alaska Natives by using a trend of 0.4 percent.

Participation in every degree category decreases as higher levels of educational attainment are reached. To give indication of the fields of study from which American Indians/Alaska Natives typically graduate, Tables 9, 10, and 11 show the number of students completing degree requirements in selected fields of study.

TABLE 9

Indian/Alaska Native Graduation Rates by Field of Study

Bachelor's Degrees

Field: Education	1976	1985	1987	% Change 1976-87	% Change 1985-87
Total	742	483	452	-39.1	-6.4
Men	239	165	124	-48.1	-24.8
Women	503	318	328	-34.8	3.1

Field: Business	1976	1985	1987	% Change 1976-87	% Change 1985-87
Total	426	899	783	83.8	-12.9
Men	350	487	400	14.3	-17.9
Women	76	412	383	403.9	-7.0

Field: Social Science	1976	1985	1987	% Change 1976-87	% Change 1985-87
Total	513	447	464	-9.6	3.8
Men	311	229	249	-19.9	8.7
Women	202	218	215	6.4	-1.4

Field: Health Professions	1976	1985	1987	% Change 1976-87	% Change 1985-87
Total	166	273	274	65.1	0.4
Men	38	49	46	21.1	-6.1
Women	128	224	228	78.1	1.8

TABLE 9A

Indian/Alaska Native Graduation Rates by Field of Study, continued

Bachelor's Degrees, continued

Field: Biological/ Life Sciences	1976	1985	1987	% Change 1976-87	% Change 1985-87
Total	143	161	147	2.8	-8.7
Men	90	89	79	-12.2	-11.2
Women	53	72	68	28.3	-5.6

Field: Engineering	1976	1985	1987	% Change 1976-87	% Change 1985-87
Total	150	209	214	42.7	2.4
Men	148	169	184	24.3	8.9
Women	2	40	30	1,400.0	-25.0

Source: "Eighth Annual Status Report on Minorities in Higher Education," American Council on Education, December 1989.

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Table 10

Indian/Alaska Native Graduation Rates by Field of Study

Master's Degrees for Selected Fields

Field				% Change	% Change
Education	1976	1985	1987	1976-87	1985-87
Total	390	468	375	- 3.8	-19.9
Men	169	139	120	-29.0	-13.7
Women	221	329	256	15.8	-22.2

Field:				% Change	% Change
Business	1976	1985	1987	1976-87	1985-87
Total	71	271	170	139.4	-37.3
Men	64	189	112	75.0	-40.7
Women	7	82	58	728.6	-29.3

Field:				% Change	% Change
Social Science	1976	1985	1987	1976-87	1985-87
Total	38	43	23	-39.5	-46.5
Men	24	25	17	-29.2	-32.0
Women	14	18	6	-57.1	-66.7

Field: Health				% Change	% Change
Professions	1976	1985	1987	1976-87	1985-87
Total	37	61	62	1.6	67.6
Men	17	14	12	-14.3	-29.4
Women	20	47	50	150.0	6.4

Field:				% Change	% Change
Public Affairs	1976	1985	1987	1976-87	1985-87
Total	60	85	134	57.6	123.3
Men	34	32	52	62.5	52.9
Women	26	53	83	56.6	219.2

Table 10A

Indian/Alaska Native Graduation Rates by Field of Study, continued

Master's Degrees for Selected Fields, continued

Field: Engineering	1976	1985	1987	% Change 1976-87	% Change 1985-87
Total	40	47	39	-2.5	-2.5
Men	40	43	33	-17.5	-23.3
Women	0	4	6	N/A	50.0

Source: "Eighth Annual Status Report on Minorities in Higher Education," American Council on Education, December 1989.

TABLE 11

Indian/Alaska Native Graduation Rate by Field of Study

Doctorate Degrees by Field

Field	1980	1988	% Change 1980-88
Education	43	35	-18.6
Physical Science	5	11	120.0
Engineering	3	4	33.3
Life Science	7	18	157.1
Social Science	13	12	-7.7
Humanities	3	7	133.3
Professional Other	1	6	500.0

Source: "Eighth Annual Status Report on Minorities in Higher Education," American Council on Education, December 1989.

FINANCING THE INDIAN AND ALASKA NATIVE EDUCATION EFFORT

The Bureau of Indian Affairs and the Office of Indian Education at the Department of Education are the two entities first mentioned in any discussion of funding for Indian education. However, other federal major contributors to the Indian and Alaska Native education effort are listed in Appendix D. The total Bureau of Indian Affairs education budget does exceed any one other program's annual fiscal contribution, but BIA funds cover everything from school operations for BIA- and tribally-operated K-12 schools and peripheral dormitories to higher education and adult education programs. However, this funding source is very important to its constituents, the federally recognized tribes and Alaska Native villages. Table 12 shows the appropriations for Bureau of Indian Affairs Education for fiscal years 1988 and 1989. It should be noted that certain of the line items, such as Indian School Equalization Formula, Postsecondary Schools, Tribally Controlled Community Colleges, Special Higher Education Scholarships, and Scholarships, include administrative costs as well as educational services. For further information on certain line items below, please see pages 20, 45 to 55, and 62 to 64.

TABLE 12

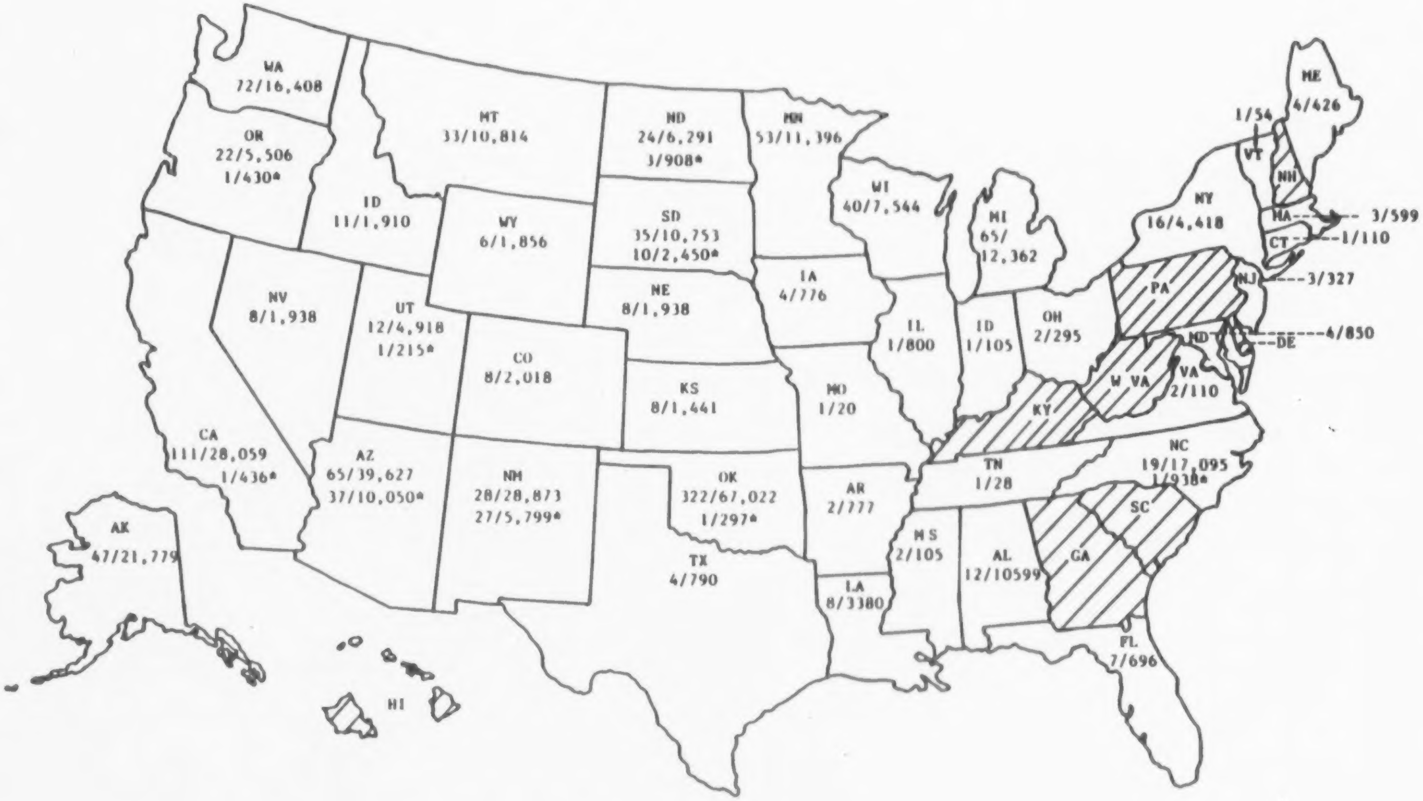
BUREAU OF INDIAN AFFAIRS EDUCATION	Appropriated Fiscal Year 1988	Appropriated Fiscal Year 1989
School Operations:		
Indian School Equalization Formula	$163,120,000	$164,290,000
Education Standards	300,000	
Institutionalized Handicapped	1,428,000	1,428,000
School Boards (Expenses & Training)	1,235,000	1,235,000
Student Transportation	11,962,000	11,918,000
Solo Parent	108,000	108,000
Technical Support (Agency & MIS)	8,890,000	8,807,000
Substance/Alcohol Abuse Counselors	2,400,000	2,391,000
Johnson-O'Malley	20,351,000	23,000,000
Continuing Education:		
Postsecondary Schools	13,862,000	11,556,000
Special Higher Education Scholarships	1,910,000	1,960,000
Tribally Controlled Community Colleges (Operations & Endowment)	12,868,000	12,968,000
Tribe/Agency Operations:		
Scholarships	28,770,000	28,476,000
Tribal Colleges Snyder Act Supplement	918,000	932,000
Adult Education	3,141,000	3,138,000
TOTAL:	**$271,263,000**	**$272,207,000**

Authorized by the Indian Education Act of 1988, the Office of Indian Education in the Department of Education serves more Indian children and adults than any other federal education program. The service population includes not only the BIA's constituency of members of federally recognized tribes and Alaska Native villages but also members of terminated and state recognized Indian tribes and Indians/Alaska Natives living in urban areas. Subpart 1 of the Act authorizes a formula grant program for public and BIA-funded (includes BIA-operated and tribal schools) and a competitive discretionary grant program for Indian-controlled schools. Subpart 2 authorizes discretionary grant programs and the Indian Fellowship Program. Subpart 3 authorizes discretionary grants for Indian adult education, and subpart 4 authorizes the administration of the program and the National Advisory Council on Indian Education. Table 13 shows the appropriations for fiscal years 1988 and 1989 for the Office of Indian Education. In addition, Figure 1 shows the number of formula grantees and the number of students served in each state. Figures 2, 3, 4, and 5 depict graphically the funding levels of the Indian Education Act programs and administration since the first appropriation in 1973, while Figure 6 graphically represents the total appropriation in those years. Tables 14 through 18 also provide additional information.

TABLE 13

OFFICE OF INDIAN EDUCATION	Appropriated Fiscal Year 1988	Appropriated Fiscal Year 1989
Subpart 1:		
Local Educational Agencies	$45,670,000	$49,248,000
Indian-Controlled Schools	3,500,000	3,500,000
Subtotal:	49,170,000	52,748,000
Subpart 2:		
Education Services for Children	3,710,000	3,710,000
Planning, Pilot & Demonstration	1,935,000	1,935,000
Fellowships	1,600,000	1,600,000
Education Personnel Development	2,262,000	2,262,000
Resource & Evaluation Centers	2,200,000	2,300,000
Gifted & Talented Program	0	500,000
Subtotal:	11,707,000	12,307,000
Subpart 3:		
Education Services for Adults	3,000,000	4,000,000
Planning, Pilot & Demonstration	0	0
Subtotal:	3,000,000	4,000,000
Subpart 4:		
Office of Indian Education	2,163,000	2,206,000
National Advisory Council on Indian Education	286,000	292,000
Subtotal:	2,449,000	2,498,000
TOTAL:	**$66,326,000**	**$71,553,000**

GRANTEE/STUDENT PARTICIPANTS FY 1989
Indian Education Act
Subpart 1 Formula Grants


WA
72/16,408
OR
22/5,506
1/430*
ID
11/1,910
MT
33/10,814
ND
24/6,291
3/908*
MN
53/11,396
WY
6/1,856
SD
35/10,753
10/2,450*
WI
40/7,544
MI
65/
12,362
NY
16/4,418
ME
4/426
1/54
VT
NH
MA
3/599
CT
1/110
NJ
3/327
PA
MD
DE
4/850
NV
8/1,938
UT
12/4,918
1/215*
CO
8/2,018
NE
8/1,938
IA
4/776
IL
1/800
ID
1/105
OH
2/295
W VA
VA
2/110
KY
KS
8/1,441
MO
1/20
CA
111/28,059
1/436*
AZ
65/39,627
37/10,050*
NM
28/28,873
27/5,799*
OK
322/67,022
1/297*
AR
2/777
TN
1/28
NC
19/17,095
1/938*
SC
AK
47/21,779
TX
4/790
LA
8/3380
MS
2/105
AL
12/10599
GA
FL
7/696
HI

▨ No Grantees During FY 1989
00/000 Grantees/Student Count
* BIA Formula Grantees

Figure 1

INDIAN EDUCATION ACT, SUBPART 1
(formerly Part A)

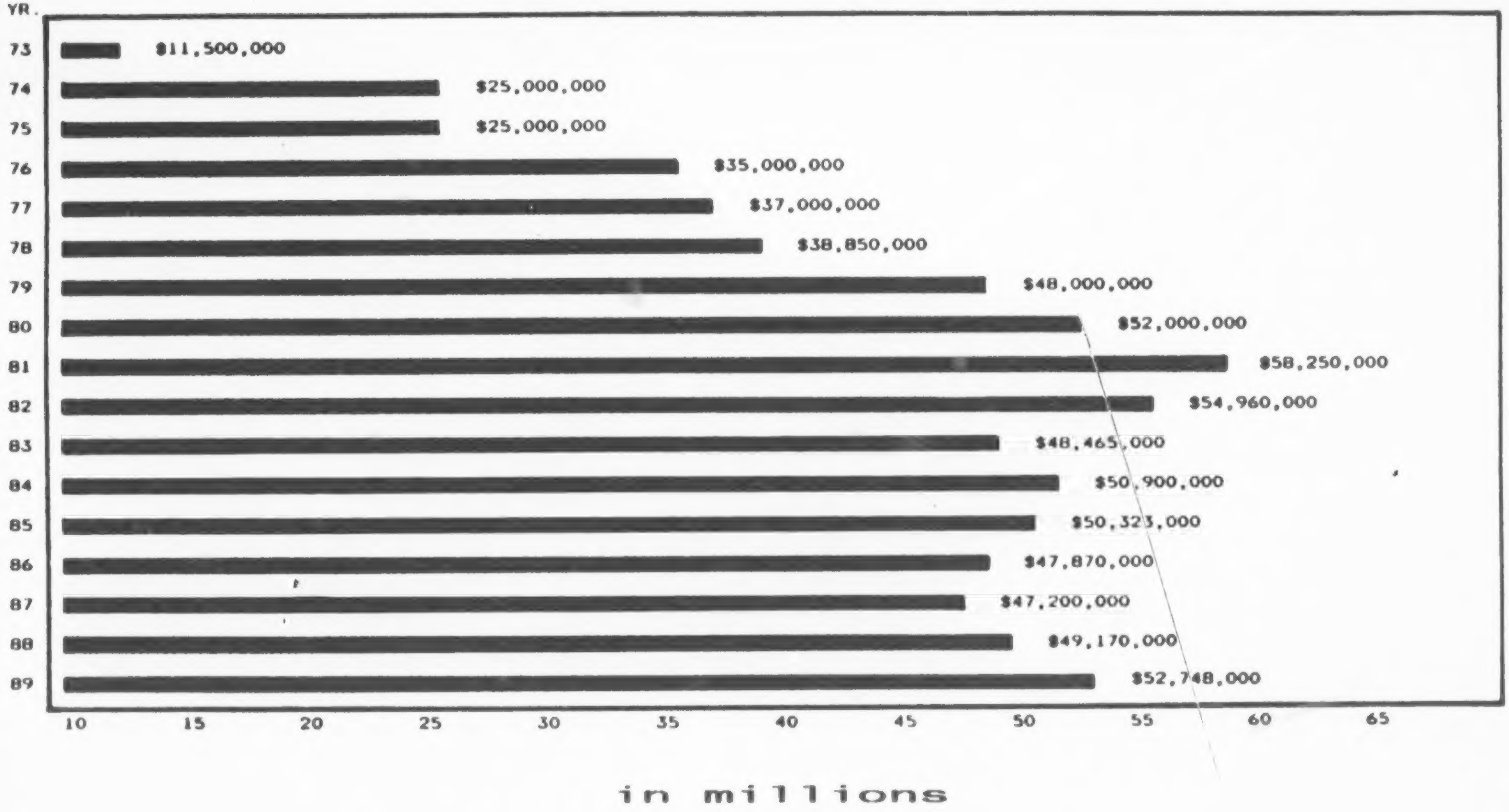


Figure 2

TABLE 14

American Indian/Alaska Native Participants in Indian Education Act Subpart 1 Formula Grant Program by State - Local Educational Agencies and BIA/Tribal Schools
Fiscal Year 1989

	Local Educational Agencies				BIA/Tribal Schools			
State	# of LEA Grants	Student Count	Total State Grant Amt.	LEA PPE*	# of B/T Grants	Student Count	Total State Grant Amt.	B/T PPE*
Alabama	12	10,599	$1,004,611	$ 95	-	-	-	-
Alaska	47	21,779	6,426,344	295	-	-	-	-
Arizona	65	39,627	5,173,422	131	37	10,050	$1,268,393	$126
Arkansas	2	777	78,227	101	-	-	-	-
California	111	28,059	3,853,378	137	1	436	57,884	133
Colorado	8	2,018	308,283	153	-	-	-	-
Connecticut	1	110	22,023	200	-	-	-	-
Delaware	-	-	-	-	-	-	-	-
D.C.	-	-	-	-	-	-	-	-
Florida	7	696	97,274	140	-	-	-	-
Georgia	-	-	-	-	-	-	-	-
Hawaii	-	-	-	-	-	-	-	-
Idaho	11	1,910	181,882	95	-	-	-	-
Illinois	1	800	121,005	151	-	-	-	-
Indiana	1	105	13,754	131	-	-	-	-
Iowa	4	776	108,856	140	-	-	-	-
Kansas	8	1,441	208,776	145	-	-	-	-
Kentucky	-	-	-	-	-	-	-	-
Louisiana	8	3,380	382,126	113	-	-	-	-
Maine	4	426	60,417	142	-	-	-	-
Maryland	4	850	149,577	176	-	-	-	-
Massachusetts	3	599	113,528	190	-	-	-	-
Michigan	65	12,362	1,982,305	161	-	-	-	-
Minnesota	53	11,396	1,754,775	154	-	-	-	-
Mississippi	2	105	9,090	87	-	-	-	-
Missouri	1	20	2,558	128	-	-	-	-
Montana	33	10,814	1,670,735	154	-	-	-	-
Nebraska	8	1,938	268,146	138	-	-	-	-

TABLE 14A

American Indian/Alaska Native Participants in Indian Education Act Subpart 1 Formula Grant Program by State - Local Educational Agencies and BIA/Tribal Schools
Fiscal Year 1989

	Local Educational Agencies				BIA/Tribal Schools			
State	# of LEA Grants	Student Count	Total State Grant Amt.	LEA PPE*	# of B/T Grants	Student Count	Total State Grant Amt.	B/T PPE*
Nevada	12	3,280	$ 431,719	$132	-	-	-	-
New Hampshire	-	-	-	-	-	-	-	-
New Jersey	3	327	71,709	219	-	-	-	-
New Mexico	28	28,873	3,784,346	131	27	5,799	$ 734,774	$127
New York	16	4,418	1,057,383	239	-	-	-	-
North Carolina	19	17,095	1,970,459	115	1	938	104,521	111
North Dakota	24	6,291	796,514	127	3	908	111,138	122
Ohio	2	295	39,893	135	-	-	-	-
Oklahoma	322	67,022	7,650,976	114	1	297	32,777	110
Oregon	22	5,506	879,670	160	1	430	66,413	154
Pennsylvania	-	-	-	-	-	-	-	-
Rhode Island	1	195	35,809	184	-	-	-	-
South Carolina	-	-	-	-	-	-	-	-
South Dakota	35	10,753	1,218,788	113	10	2,450	270,209	110
Tennessee	1	28	2,916	104	-	-	-	-
Texas	4	790	99,209	126	-	-	-	-
Utah	12	4,918	437,521	89	1	215	18,491	86
Vermont	1	514	83,293	162	-	-	-	-
Virginia	2	110	15,317	139	-	-	-	-
Washington	73	16,408	2,395,972	146	-	-	-	-
W. Virginia	-	-	-	-	-	-	-	-
Wisconsin	40	7,544	1,256,959	167	-	-	-	-
Wyoming	6	1,856	355,597	192	-	-	-	-
Total LEA	1,082	326,810	$46,575,142	$143	82	21,523	$2,664,600	$124
Total B/T	82	21,523	2,664,600	124				
GRAND TOTAL	1,164	348,333	$49,239,742	$134				

*PPE - Per Pupil Expenditure
Source: Office of Indian Education, Department of Education, Washington, DC.

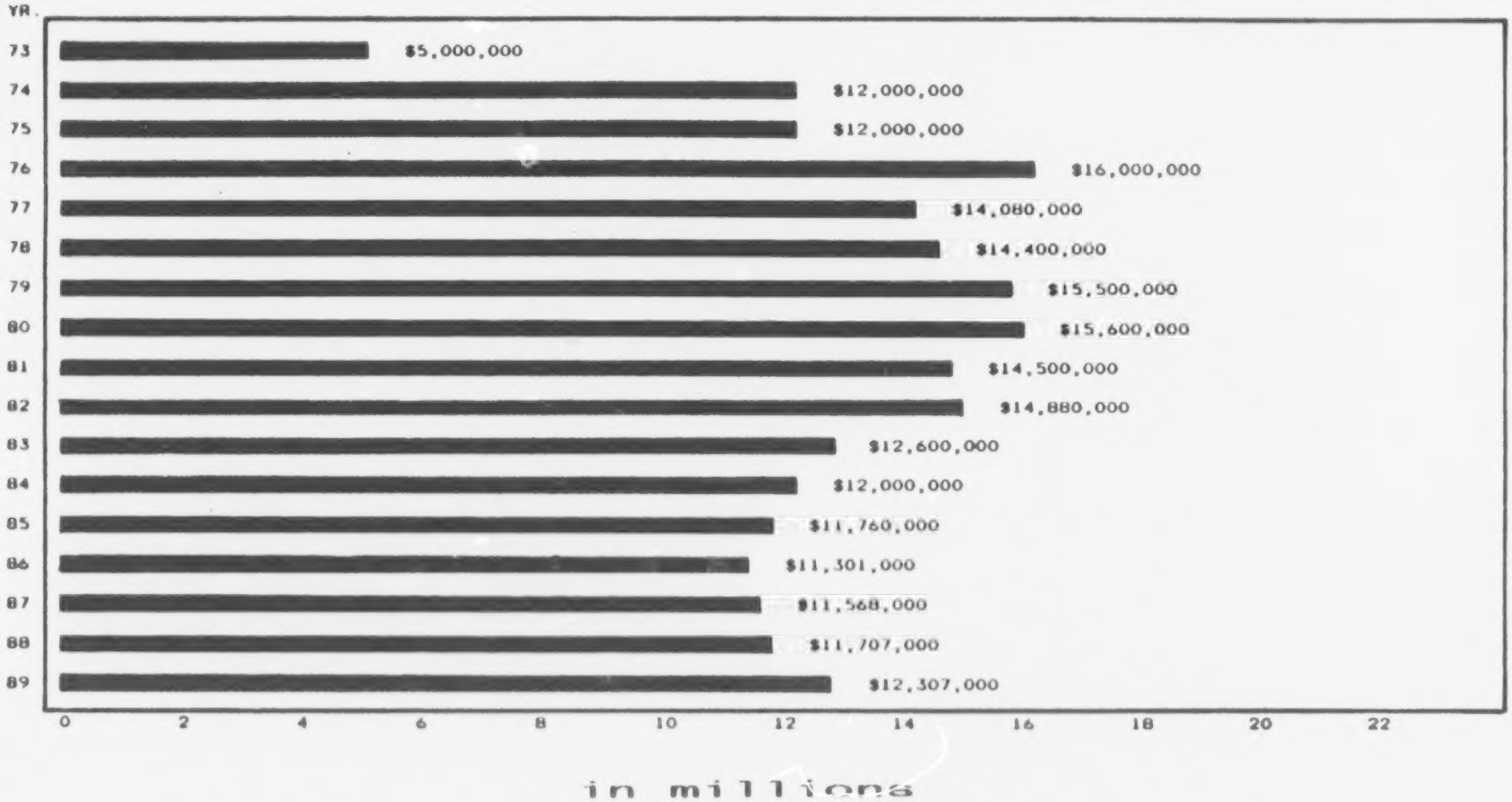
TABLE 15

Indian Education Act Subpart 1 - Indian-Controlled Schools
Discretionary Grant Awards by State, Fiscal Year 1989

Indian-Controlled Schools

State	Grants	Total Funds
Florida	1	$ 87,379
Kansas	1	82,236
Minnesota	4	967,427
Mississippi	1	316,971
Montana	1	344,034
Nevada	1	117,245
New Mexico	3	315,299
North Dakota	1	366,847
Oklahoma	2	275,026
South Dakota	2	311,302
Washington	1	177,219
Wyoming	1	139,015
Total (12 States)	20	$3,500,000

Source: Fiscal Year 1991 Budget Justification, Office of Indian Education



INDIAN EDUCATION ACT, SUBPART 2
(formerly Part B)

Figure 3

TABLE 16

Indian Education Act Subpart 2 - Discretionary Grant Awards, Fiscal Year 1989

Educational Services and Planning, Pilot, and Demonstration Programs

State	Grants	Total Funds
Alaska	1	$ 128,180
Arizona	3	557,462
California	4	680,273
Colorado	1	110,889
D.C.	1	116,527
Kansas	1	91,441
Massachusetts	1	110,840
Minnesota	5	985,062
Mississippi	1	166,165
Montana	1	82,621
Nebraska	1	120,763
New Mexico	5	533,535
North Dakota	2	222,033
Oklahoma	3	352,614
South Dakota	1	49,949
Utah	1	113,070
Washington	6	747,965
Wisconsin	3	475,606
Total (18 States)	41	$5,644,995
(New Awards	32)	
(Continuations	9)	

Educational Personnel Development Programs

State	Grants	Total Funds
California	1	$ 190,654
Montana	3	661,937
New Mexico	1	59,025
Oklahoma	3	526,900
Pennsylvania	1	194,917
South Dakota	2	206,731
Wisconsin	2	356,459
Wyoming	1	121,492
Total (8 States)	14	$2,318,000
(New Awards	14)	
(Continuations	0)	

Source: Fiscal Year 1991 Budget Justification, Office of Indian Education.

TABLE 17

Indian Education Act Subpart 2 - Discretionary Grant Awards, Fiscal Year 1989 by Category

Planning, Pilot, and Demonstration

Subpart 2 Category	Applications Received	Number Awarded	Percent Awarded	Total by Category
Planning	23	1	4.3%	$ 141,605
Pilot	32	9	28.1%	1,020,515
Demonstration	30	6	20.0%	755,335
Total	85	16	18.8%	$1,917,455
	(New Awards	12)		
	(Continuations	4)		

Educational Services for Indian Children

Subpart 2 Category	Applications Received	Number Awarded	Percent Awarded	Total by Category
Ed. Services	112	25	22.3%	$3,710,000
	(New Awards	20)		
	(Continuations	5)		

Educational Personnel Development

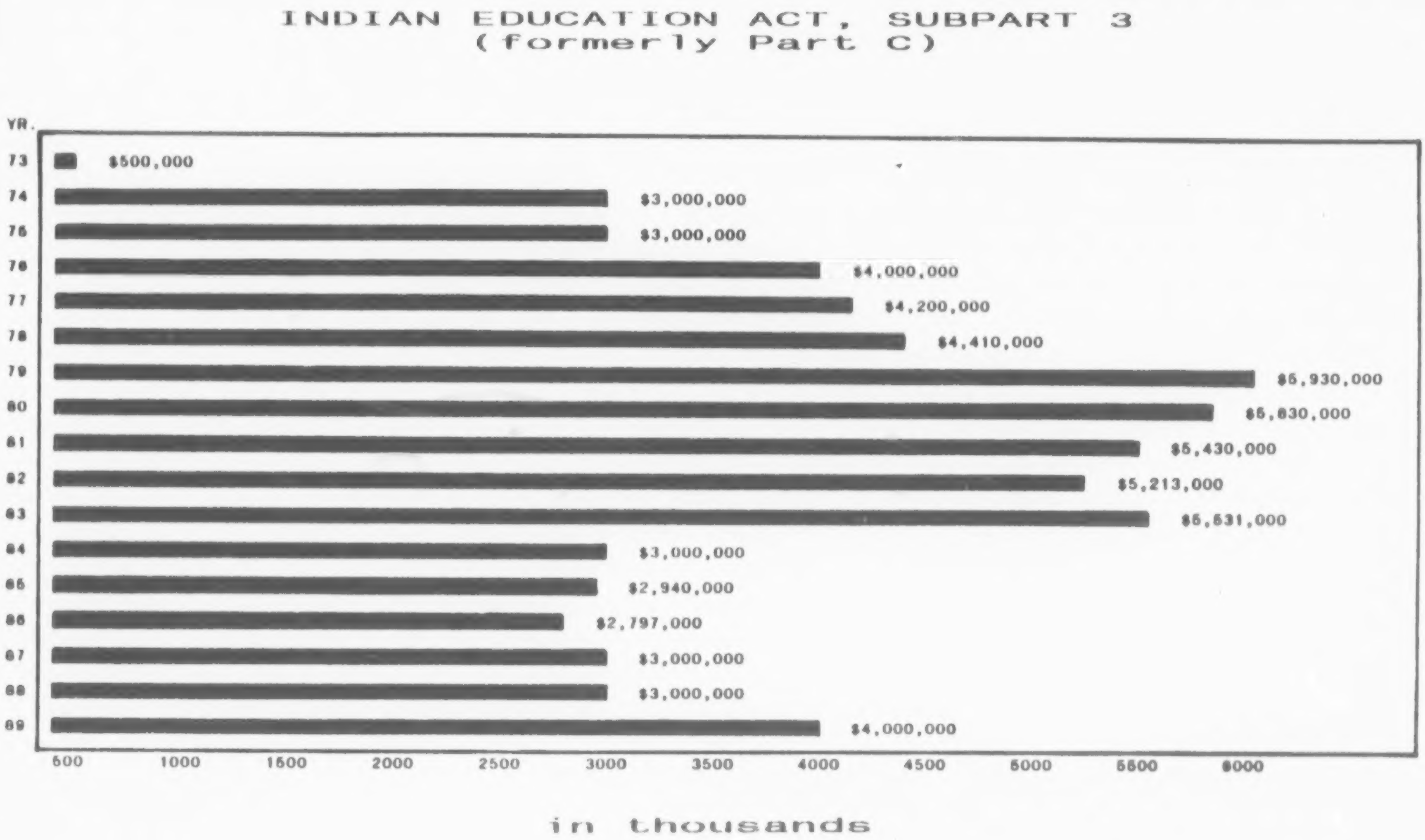
Subpart 2 Category	Applications Received	Number Awarded	Percent Awarded	Total by Category
EPD "5321(d)"	28	7	25.0%	$1,225,115*
EPD "5322"	27	7	25.0%	1,093,000
Total	55	14	25.5%	$2,318,115
	(New Awards	14)		

* Includes carryover funds of $56,115.

Fellowships

Subpart 2 Category	Applications Received	Number Awarded	Percent Awarded	Total by Category
Fellowships	678	124	18.3%	$1,570,961
	(New Awards	51)		
	(Continuations	73)		

Source: Fiscal Year 1991 Budget Justification, Office of Indian Education.



INDIAN EDUCATION ACT, SUBPART 3
(formerly Part C)

Figure 4

90

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TABLE 18

Indian Education Act Subpart 3 - Discretionary Grant Awards, Fiscal Year 1989 by Category

Special Programs for Indian Adults

Subpart 3	Applications Received	Number Awarded	Percent Awarded	Subpart 3 Total
Adult Education	94	32	34.0%	$4,000,000
	(New Awards	30)		
	(Continuations	2)		

Subpart 3 - Special Programs for Indian Adults
Fiscal Year 1989 by State

State	Grants	Total Funds
Alaska	1	$ 87,901
Arizona	2	228,457
Colorado	1	128,457
Idaho	1	122,586
Louisiana	1	64,410
Massachusetts	1	146,232
Michigan	1	28,468
Minnesota	5	823,975
Mississippi	1	307,414
Montana	3	355,373
Nevada	1	98,528
New Mexico	1	87,107
North Dakota	2	161,429
Oklahoma	4	577,539
South Dakota	1	87,260
Utah	2	159,187
Washington	4	536,033
Total (18 States)	32	$4,000,000
(New Awards	30)	
(Continuations	2)	

Source: Office of Indian Education, Department of Education, Washington, DC.

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INDIAN EDUCATION ACT, SUBPART 4
(formerly Part D)

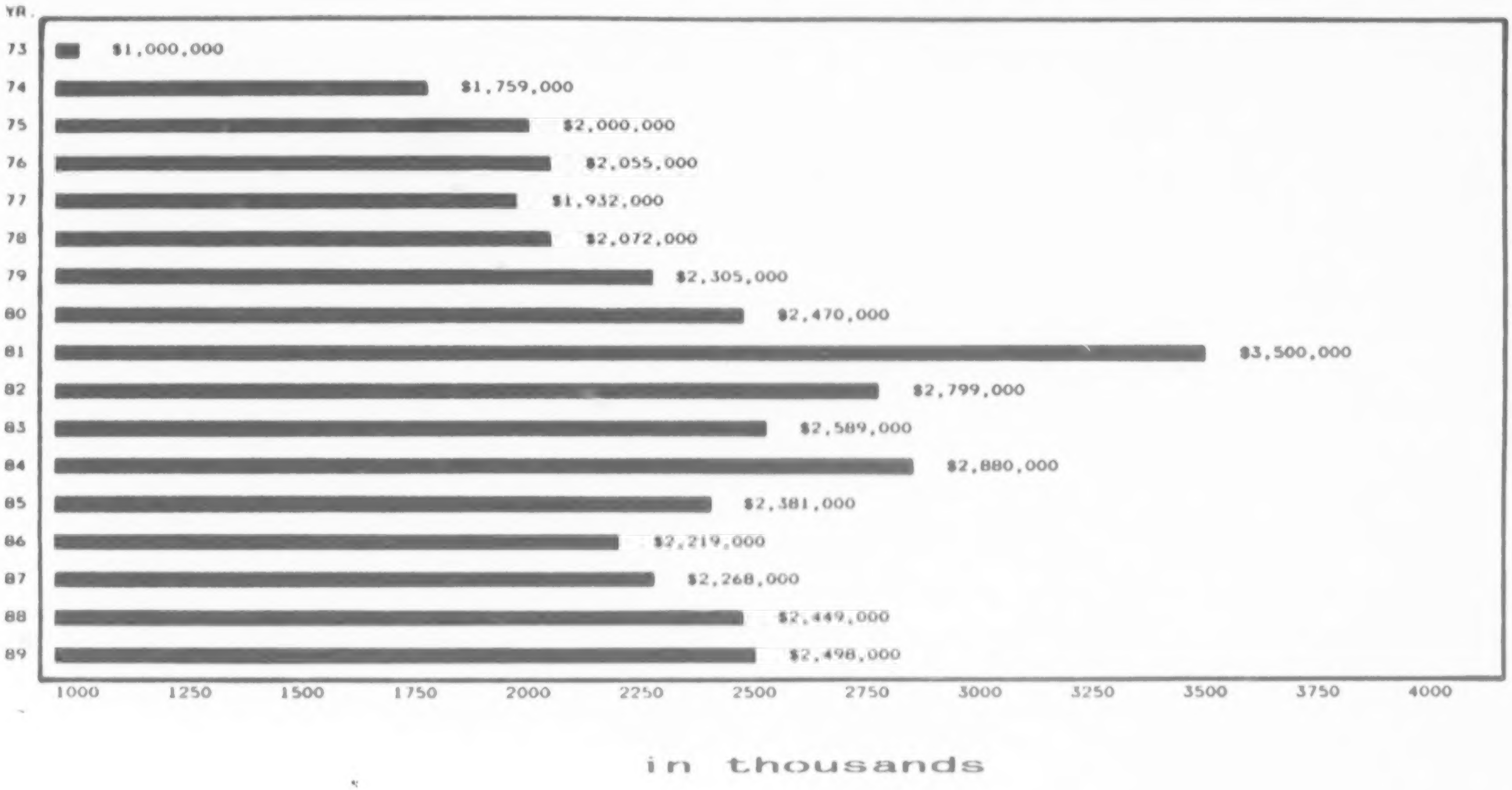

Figure 5

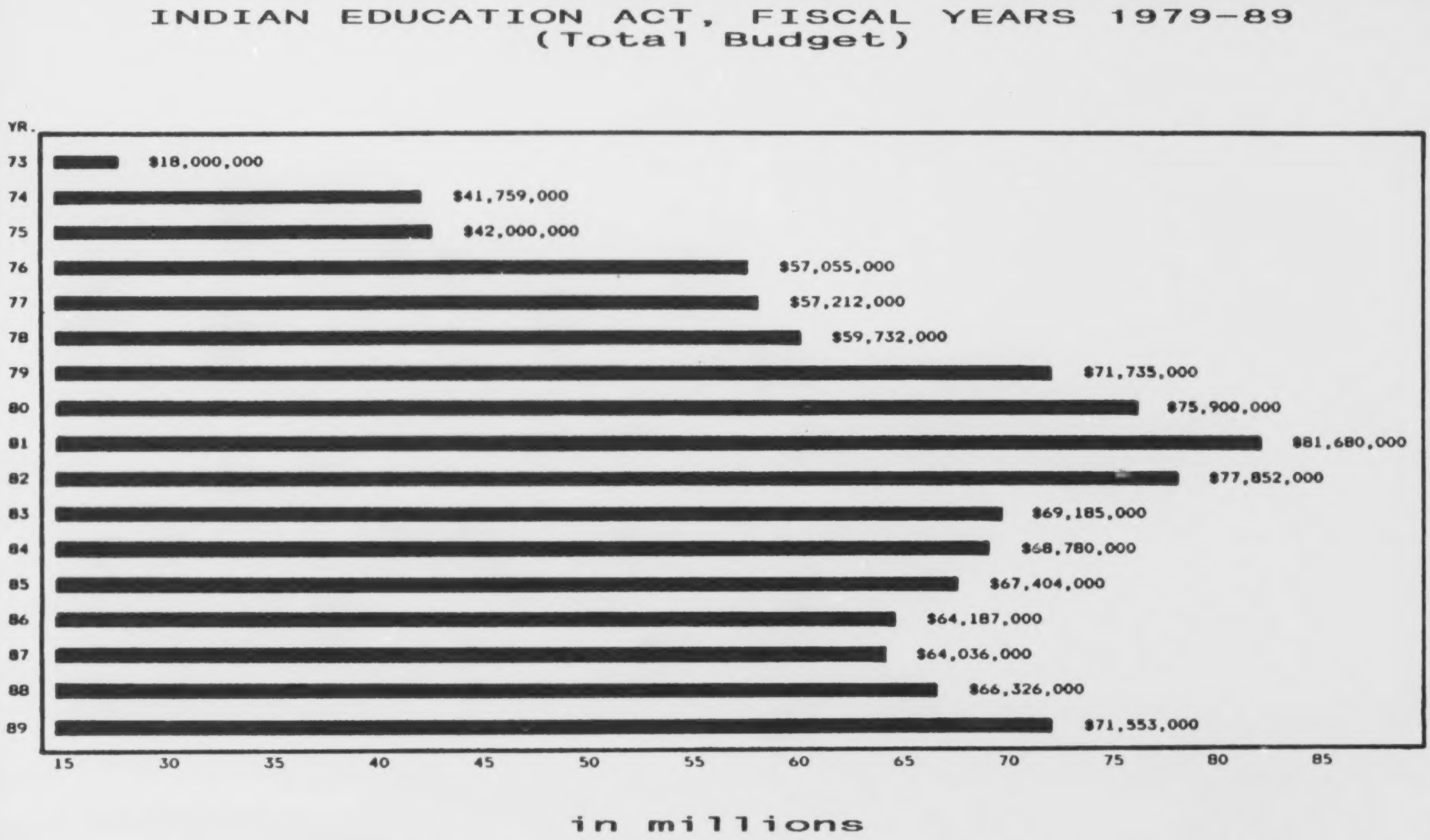
INDIAN EDUCATION ACT, FISCAL YEARS 1979-89
(Total Budget)
YR.
73
$18,000,000
74
$41,759,000
75
$42,000,000
76
$57,055,000
77
$57,212,000
78
$59,732,000
79
$71,735,000
80
$75,900,000
81
$81,680,000
82
$77,852,000
83
$69,185,000
84
$68,780,000
85
$67,404,000
86
$64,187,000
87
$64,036,000
88
$66,326,000
89
$71,553,000
15
30
35
40
45
50
55
60
65
70
75
80
85
in millions

Figure 6

PARTICIPATION BY INDIANS/ALASKA NATIVES IN SELECTED FEDERAL PROGRAMS

American Indians/Alaska Natives, by virtue of their relative standing in the hierarchy of America's socio-economic structure, are often able to participate in various programs designed to provide equitable access in educational pursuits. Several factors predispose Indians/Alaska Natives, as well as other minorities, for inclusion in such programs including family income, single versus dual parent families, low achievement scores, demographics of residence, employment, cultural differences, etc. The correlation between economic status and achievement levels cannot be overestimated as the number of minority students attending public schools increases and average test scores fall. The overall intention of programs for the disadvantaged is to raise academic levels to those approaching the national norms. The following programs provide services to eligible students, including American Indians/Alaska Natives. Brief program descriptions follow, including the number of Indian/Alaska Native participants by state, if available.

Chapter 1 Program (Department of Education)

Chapter 1 is a compensatory education program administered by the Office of Elementary and Secondary Education within the Department of Education. Part A of Chapter 1 provides financial assistance through state educational agencies (SEAs) to local educational agencies (LEAs) to meet the special educational needs of educationally deprived children in school attendance areas and schools with high concentrations of children from low-income families and to meet the needs of children in local institutions for neglected or delinquent children. This assistance is to improve the educational opportunities of educationally deprived children by helping them succeed in the regular program, attain grade-level proficiency, and improve achievement in basic and more advanced skills that all children are expected to master.

Indian/Alaska Native children receiving Chapter 1 services in public schools from fiscal years 1982 to 1985 comprised two percent of the total Chapter 1 student population for each of those years. In fiscal year 1986, the Indian/Alaska Native student population dropped to one percent. For fiscal years 1987 and 1988, such students again increased to two percent of the total Chapter 1 population. Table 19 shows the distribution by state of the number of American Indians/Alaska Natives counted for Chapter 1 services during school year 1987-88.

Authorizing legislation for Chapter 1 also permits a portion of of the Chapter 1 appropriation for LEAs to be set-aside for Indian children in out-of-state schools and for Indian children attending tribally-operated schools and BIA-operated schools. As with the broader Chapter 1 Program, a child is considered educationally disadvantaged if the child needs special assistance to perform at a grade level appropriate for his or her age and comes from a family background that is economically disadvantaged. In the BIA school system (including tribal schools), all Indian students are considered economically eligible, but they also must be performing at an academic grade level below national norms to participate.

TABLE 19

American Indians/Alaska Natives Participating in Chapter 1 During Fiscal Year 1988 By State

State	LEA	SEA
Alabama	161	*
Alaska	2,552	*
Arizona	14,276	105
Arkansas	120	0
California	6,696	*
Colorado	556	3
Connecticut	41	5
Delaware	21	0
D.C.	0	0
Florida	210	*
Georgia	37	0
Hawaii	34	0
Idaho	436	2
Illinois	178	1
Indiana	73	1
Iowa	208	9
Kansas	287	11
Kentucky	14	1
Louisiana	664	0
Maine	111	*
Maryland	140	3
Massachusetts	145	1
Michigan	1,362	7
Minnesota	2,336	*
Mississippi	164	*
Missouri	3	*
Montana	2,294	54
Nebraska	879	17
Nevada	333	7
New Hampshire	7	*
New Jersey	236	0
New Mexico	5,659	44
New York	962	2
North Carolina	3,194	67
North Dakota	905	*
Ohio	105	2
Oklahoma	8,893	28
Oregon	1,085	52
Pennsylvania	107	5
Rhode Island	79	0
South Carolina	144	0
South Dakota	2,593	67
Tennessee	57	*
Texas	427	*
Utah	1,370	15
Vermont	101	0
Virginia	69	0
Washington	2,854	20
West Virginia	10	*
Wisconsin	1,293	*
Wyoming	186	5
BIA Chapter 1	16,801	0
Subtotal	81,468	534
SEA Student Count	534	
GRAND TOTAL REPORTED	82,002	

* Not Reported

LEA - Local educational agencies providing basic Chapter 1 services.

SEA - State educational agencies providing Chapter 1 services for neglected or delinquent children.

Source: Chapter 1 Program Office, Department of Education.

TABLE 20

American Indian/Alaska Native Participation in Chapter 1

Fiscal Year	All Participants	AI/AN Participants (%)	Per Pupil Expenditure	BIA Participants	Per Pupil Expenditure
1989				16,289	
1988	4,943,763	81,547* (2%)	$696	16,801	$1,478
1987	4,700,114	70,894 (2%)		15,479	1,602
1986	4,725,970	82,357 (2%)	645	15,497	1,435

* This total was reported by Chapter 1 Program staff, although there is a discrepancy with the total from state reports shown in Table 19.
Source: Chapter 1 Program Office, Department of Education.

Impact Aid Program (Department of Education)

Under Title I of Public Law 81-874, any local educational agency (LEA) which is so affected by federal activities as to have had a burden placed on it and which provides free public elementary and/or secondary education, under public supervision and direction without tuition charge, pursuant to the laws of the state in which it is located, may apply for Impact Aid funding. The two kinds of burden recognized by the law are a revenue burden arising from federal property in the school district not subject to real property taxes and a service burden arising from the LEA providing educational services for federally-connected children without having a tax base, with respect to those children, adequate to provide them with these services. The total appropriation during fiscal year 1989 was $693,000,000. Of this amount, $227,301,183 (33 percent) went to school districts that have Indian/Alaska Native children enrolled in their schools.

Under the category of children residing on Indian lands (federal property held in trust for the tribes and Alaska Native villages), students generating Impact Aid funds are primarily of Indian or Alaska Native descent, although non-Indians living on Indian lands also generate Impact Aid funds. The Indian lands students represent only 5 percent of the program's total average daily attendance, yet they account for 33 percent of payments. Indian and Alaska Native students often make up large percentages of the enrollments of the public school districts in areas on or near reservations or Alaska Native villages. In some instances, Impact Aid funds may account for over 50 percent of the operating budgets. In addition, these districts receive additional amounts of supplemental program funds, such as Chapter 1 and Indian Education Act (Title V) dollars, but because these dollars are for specific purposes, they cannot be spent on many of the other high cost general budget items needed to educate students who reside in extremely remote areas of the country. Consequently, Impact Aid funds which go into the general operating budget of the LEA are important to the education of both Indian and non-Indian students in the school district.

The law provides that school districts receive 125 percent entitlement for each child living on non-taxable Indian land for whom it provides free public education, regardless of the race of the child. However, there are special provisions covering Indian children claimed, which require the school district to establish policies and procedures that insure that (1) Indian children claimed by the school district in its count must participate on an equal basis with all other children educated by the school district (to prevent disparity within a district); (2) applications, evaluations, and program plans are adequately disseminated to tribes and parents of Indian children claimed in the count; and (3) tribes and parents of such Indian students are afforded an opportunity to present their views regarding the application including making recommendations concerning the needs of their children, are actively consulted and involved in the planning and development of programs, and are afforded a general opportunity to present their overall views on the educational programs, including the operations of such programs, and the degree of parental participation allowed.

Any tribe, or its designee, which has students in a school district, may file a written complaint with the Secretary of Education regarding the actions of a school district under the aforementioned special provisions. The definition of "Indian tribe" in the law includes Alaska Native village or regional or village corporation. The law and regulations specify the requirements for a hearing on the complaint and resolution of the matter.

American Indian/Alaska Native students may be counted in two categories, those students who reside on Indian lands and those special education (handicapped) students who reside on Indian lands. Table 21 shows the distribution of funds to districts with federally-connected students and the numbers of Indian/Alaska Native students counted during the last five fiscal years.

TABLE 21

American Indians/Alaska Natives Generating Funds to School Districts Under Impact Aid

Year	Number of AI/AN Students	Percent of Federally Connected Students	Fiscal Year Payments	Percent of Total Appropriation	Total Impact Aid Appropriation
1989	109,347	5.91%	$239,355,638	34.53%	$693,000,000
1988	106,089	5.39%	237,007,125	35.36%	670,180,000
1987	101,794	5.00%	225,590,766	34.02%	663,000,000
1986	104,607	5.12%	221,988,264	36.07%	615,300,000
1985	99,708	4.88%	224,107,327	34.85%	643,000,000

Impact Aid Indian/Alaska Native Students Counted By Category

Year	Indian "A"	Indian "A" Special Ed.	Total Students
1989	97,536	11,811	109,347
1988	94,364	11,725	106,089
1987	90,932	10,862	101,794
1986	93,895	10,712	104,607
1985	90,142	9,566	99,708

Source: Impact Aid Program Reports, Office of Impact Aid, Department of Education

Bureau of Indian Affairs Johnson-O'Malley (JOM) Program (Department of the Interior)

Under the Johnson-O'Malley Educational Assistance Act of 1934, as amended, this program provides financial assistance through the BIA to contractors for eligible Indian students attending public schools. Funding may be used to supplement the regular school programs and address the special educational needs of these students as determined by contractors and local Indian education committees. The types of supplemental activities provided by the JOM Program relate to educational needs, teacher support, and parental costs. Popular programs include home-school coordinators and academic remediation.

Table 22 shows the fiscal year 1989 Johnson-O'Malley distribution by state.

TABLE 22

BIA Johnson-O'Malley Educational Assistance Program Fiscal Year 1989 Data by State

State	Number Served	State Av. Per Pupil Cost	JOM Per Student Amount	State Allocation
Alabama	442	$2,467	$98.87	$43,700
Alaska	24,540	8,183	201.33	4,940,000
Arizona	43,633	3,007	98.87	4,313,000
California	4,040	3,458	98.87	399,400
Colorado	693	3,911	98.87	68,500
Connecticut	34	4,670	115.05	3,900
Florida	524	3,417	98.87	51,800
Idaho	1,856	2,417	98.87	183,500
Iowa	540	3,552	98.87	53,400
Kansas	537	3,761	98.87	53,100
Louisiana	114	3,053	98.87	11,300
Maine	206	3,387	98.87	20,400
Michigan	3,021	4,065	98.87	301,400
Minnesota	6,420	3,872	98.87	634,700
Missouri	12	3,122	98.87	1,200
Mississippi	485	2,169	98.87	48,000
Montana	8,667	3,999	98.87	856,900
Nebraska	1,743	3,553	98.87	172,400
Nevada	3,350	3,384	98.87	331,200
New Mexico	29,632	3,080	98.87	2,929,700
New York	2,103	5,829	143.81	302,400
North Dakota	3,171	3,386	98.87	313,500
Oklahoma	41,458	3,078	98.87	4,098,900
Oregon	2,475	4,051	99.77	246,900
Rhode Island	523	4,566	112.35	58,800
South Dakota	9,690	2,947	98.87	958,000
Texas	266	3,191	98.87	26,300
Utah	2,973	2,351	98.87	294,000
Washington	6,255	3,794	98.87	618,400
Wisconsin	5,051	4,093	100.67	508,500
Wyoming	1,251	5,051	124.03	155,200
(31 States) Total	205,705	$3,705	$111.81	$23,000,000

Source: Fiscal Year 1990 Budget Justification, Bureau of Indian Affairs

Adult Education Program (Department of Education)

The Adult Education Act was reauthorized in 1988 in Part B, Title II, Public Law 100-297. The authorization for appropriations is through fiscal year 1993. The objectives of the Adult Education Act is to improve educational opportunities for adults and to encourage the establishment of adult education programs that will enable all adults to acquire basic educational skills necessary for literate functioning, enable adults who so desire to complete secondary school, and enable adults to benefit from job training and retraining programs and obtain productive employment to more fully enjoy the benefits and responsibilities of citizenship.

Federal grants are made to designated state (including insular areas) educational agencies by a formula based on the number of adults who have not completed secondary school. The states fund local programs of adult basic and secondary education based on need as described in the state plan and resources available. Local educational agencies and other public or private nonprofit agencies, organizations, and institutions are eligible for subgrants; however, tribal groups and Indian organizations are not always eligible to participate because of omission of Indians/Alaska Natives from the state plan and the definition of "local educational agency (LEA)" in the authorizing legislation. That definition basically identifies an LEA as a public school district.

The two primary programs offered include the Adult Basic Education (ABE) and General Educational Development (GED) programs. In general, ABE programs prepare those individuals with limited skills in English and mathematics so that they can progressively master the basic fundamentals before attempting the curriculum of GED preparatory courses. This is a prerequisite for many Indian/Alaska Native adults who have not been involved in any type of formal education for years.

Table 23 shows how American Indians/Alaska Natives compare nationally with the total adult education community funded under the state-administered program. Indians/Alaska Natives most often make up less than one percent of the total adult education participants each year.

TABLE 23

Comparison of American Indians/Alaska Natives Enrolled in State-Administered Adult Education Programs

Year	U.S. Total	AI/AN	(%)
1989			
1988	3,039,430	26,904	0.89%
1987	2,949,720	42,309	1.43%
1986	3,069,677	25,272	0.82%
1985	2,879,125	26,102	0.91%

Source: Adult Education State Programs Office, Department of Education

It should be noted that, depending on how some states arrive at their figures, there is a possibility of duplicate counts between state-administered adult education programs and those operated by tribes, villages, or Indian/Alaska Native organizations through grants from the Office of Indian Education or Bureau of Indian Affairs. This occurs because states administer the GED examinations and are able to include all Indians/Alaska Natives applying for GED certification in their yearly reports. Federal appropriations for the following year are then based on this inflated number of persons served. States with sizable Indian populations stand to benefit without actually having served some of the Indians/Alaska Natives they count. Table 24 shows by state the combined number of Indians/Alaska Natives enrolled in GED and adult basic education (ABE) programs funded under the Adult Education Basic Grants Program.

The attention of the reader is directed to data for the State of California for fiscal year 1987, in which 16,605 Indians/Alaska Natives reportedly participated in the state-administered ABE/GED programs. It is not likely that this figure is accurate, given the fact that 2,214 Indians/Alaska Natives were reportedly served in fiscal year 1986 and 1,691 such individuals were reportedly served in fiscal year 1988. It is further argued that it is very unlikely that 16,000-plus Indians or Alaska Natives were able to complete the requirements for of an ABE program or GED certification in one year. It is most likely that either the state erroneously reported information for fiscal year 1987 or that the Division of Adult Education and Literacy made an error in keying in the state's data. Clearly, this information is inconsistent with all other years and should be checked to ensure that a ten-fold error has not been made in California's report and that a 15,000-person error was not made in the total for all states for fiscal year 1987.

TABLE 24

ABE/GED Indian/Alaska Native Participants in State-Administered Programs

State	Fiscal Years 1985	1986	1987	1988	1989
Alabama	178	67	70	95	228
Alaska	2,716	2,076	1,399	1,630	1,476
Arizona	867	800	868	950	1,376
Arkansas	109	77	157	118	158
California	2,930	2,214	16,605	1,691	518
Colorado	178	213	235	270	266
Connecticut	103	96	142	85	104
Delaware	27	8	4	7	9
Florida	1,737	1,258	1,924	1,508	1,457
Georgia	43	29	45	87	143
Hawaii	0	21	24	120	127
Idaho	204	474	469	630	565
Illinois	160	134	665	195	345
Indiana	64	188	138	191	247
Iowa	143	140	156	222	134
Kansas	411	127	94	148	130
Kentucky	48	76	81	115	103
Louisiana	1,399	130	235	162	175
Maine	86	62	82	106	67
Maryland	153	186	173	238	223
Massachusetts	139	129	290	171	173
Michigan	302	1,732	1,577	1,478	659
Minnesota	1,548	2,242	2,410	2,373	2,685
Mississippi	41	25	55	94	25
Missouri	259	327	341	288	246
Montana	841	787	680	855	725

State	Fiscal Years 1985	1986	1987	1988	1989
Nebraska	392	438	247	240	249
Nevada	57	15	54	21	28
New Hampshire	1	1	0	5	5
New Jersey	97	105	59	36	82
New Mexico	1,399	1,500	1,820	1,689	2,262
New York	1,036	977	498	502	640
North Carolina	821	882	1,752	1,903	2,219
North Dakota	366	379	508	392	573
Ohio	342	207	358	203	238
Oklahoma	1,454	1,753	1,551	1,506	1,734
Oregon	739	780	664	635	696
Pennsylvania	73	56	79	116	178
Rhode Island	22	75	27	24	21
South Carolina	101	143	323	300	173
South Dakota	1,422	1,407	1,727	1,505	1,316
Tennessee	59	67	54	80	102
Texas	934	811	1,061	1,051	742
Utah	576	583	789	735	544
Vermont	0	121	85	24	19
Virginia	16	22	14	22	43
Washington	847	836	775	936	779
West Virginia	12	24	93	69	42
Wisconsin	391	329	658	892	1,089
Wyoming	259	135	192	181	
Dist. of Columbia	0	4	2	10	2
Guam	0	4 (VI)*	5	0	5
Total	26,102	25,272	42,314	26,904	

* The Virgin Islands had 4 Indian/Alaska Native participants in 1986. Guam had no such participants for 1986.

Source: Program Reports, Fiscal Years 1985-89, Division of Adult Education and Literacy, Office of Vocational and Adult Education, Department of Education.

The following is a brief overview of adult education programs offered by the two major Indian education funding providers, the Office of Indian Education of the Department of Education and the Bureau of Indian Affairs of the Department of the Interior.

Office of Indian Education Adult Education Program (Department of Education)

The Office of Indian Education's Adult Education Program is a competitive discretionary grant program. Adult education grants are awarded on a competitive basis to Indian tribes, Alaska Native villages, organizations, and institutions. Awards are made for a period of 12 to 36 months. Awards made for 12 months usually do not provide enough time for many adults to master basic fundamentals needed to even attempt the GED level curriculum. The objectives of this program are to enable Indian/Alaska Native adults to acquire basic literacy, complete secondary school, and secure the education necessary for them to benefit from vocational training. Many projects also offer consumer education and other special services such as academic and career counseling, aptitude and vocational testing, and job referral. In fiscal year 1989, the Office of Indian Education awarded 32 grants to projects serving approximately 7,200 Indian adults. These awards went to 12 tribes, 14 Indian organizations, and 6 tribally controlled community colleges. Eleven of the awards were in urban areas and 21 in rural or reservation settings. The grants ranged from $28,468 to $307,414.

TABLE 25

Office of Indian Education, Education Services for Indian Adults

Year	Appropriation	Number of Programs	AI/AN Participants	Per Pupil Expenditure
1989	$4,000,000	32	7,200	$556
1988	3,000,000	25	5,650	531
1987	3,000,000	29	9,600	313
1986	2,797,000	25	10,692	262
1985	2,940,000	22	7,222	407

Source: Fiscal Year 1989 Budget Justification, Office of Indian Education.

Bureau of Indian Affairs Adult Education Program (Department of the Interior)

The objectives of the Bureau's Adult Education Program are to provide educational opportunities and learning experiences to enable adult Indians/Alaska Natives to complete high school graduation requirements, acquire basic literacy skills, and gain new skills and knowledge to improve their functioning as individuals and as members of the community. The Adult Education Program is based on tribal priority, and the curriculum is a direct result of the assessed needs of the adult Indian/Alaska Native population within the service area. In fiscal year 1989, 75 tribes administered adult education programs under Public Law 93-638 contracts, and Bureau of Indian Affairs offices administered 13 programs.

TABLE 26

Bureau of Indian Affairs Adult Education Program

Year	Appropriation	Number of Programs	AI/AN Participants	Per Pupil Expenditure
1989	$3,138,000	88	12,500	$255
1988	3,141,000	88	12,000	251
1987	3,141,000	88	13,000	262
1986	3,391,000	88	12,800	265
1985	3,474,000	88	13,520	257

Source: Fiscal Year 1990 Budget Justification, Bureau of Indian Affairs

Table 27 provides a breakdown by area office of the 88 adult education programs funded in fiscal year 1989.

TABLE 27

BIA Adult Education Programs by Area Office

Area Office	Projects
Aberdeen	9
Albuquerque	7
Anadarko	8
Billings	0
Eastern	9
Juneau	7
Minneapolis	4
Muskogee	5
Navajo	4
Phoenix	4
Portland	20
Sacramento	4
BIA Field Offices	7
Total	88

Source: Office of Indian Education Programs, Bureau of Indian Affairs, Washington, DC. Please note that BIA Field Office information above is inconsistent with that provided in the BIA Fiscal Year 1990 Budget Justification.

Vocational Education Programs (Department of Education)

The Department of Education administers vocational education programs as authorized under the Carl D. Perkins Vocational Education Act. Primary goals of the Act are to improve and modernize vocational education to meet the needs of the work force, promote economic growth, and to assure that disadvantaged and handicapped students and other special populations have access to quality vocational education programs. To accomplish these goals, the Act identifies various target populations, prescribes allocation mechanisms, and lists required or desired services. The various programs and amounts funded under the vocational education authorization for fiscal year 1989 were:

Basic Grants	$831,566,000
Consumer and Homemaking Education	33,118,000
National Programs	26,005,000
Community-based Organization	8,892,000
State Councils	7,904,000
Permanent Appropriation (Smith-Hughes Act)	7,148,000

The majority of funds is distributed to the states in the Basic Grants Program. Indian tribes and organizations may be eligible to participate in the program depending on whether the state has included Indian vocational education needs in the state plan. If such needs are not in the plan to allow tribes and Indian organizations to compete for subgrants as public or private nonprofit organizations, some states use the definition of "LEA" in the authorizing legislation, which does not include tribes, as a way to eliminate tribes and Indian organizations from the competitive grants process. In general, most states assume that the vocational education needs of American Indians/Alaska Natives are being met under the set-aside provision of the Act, which annually provides that 1 1/4 percent of the total vocational education budget be used for Indian/Alaska Native programs. Under this provision, the Bureau of Indian Affairs is required to match the 1 1/4 percent set-aside amount, thereby doubling the money specifically for Indians/Alaska Natives. The BIA has never met this requirement and has annually asked for and received a waiver from Congress. It has been estimated that approximately $70 million has been lost in services to Indian/Alaska Native people since 1978.

Although Indian/Alaska Native students meet all the criteria for program eligibility, it is uncertain how many, and to what degree, they participate in vocational education programs at the public school level. The last year for which there was any type of formal count of the number and ethnicity of participants in vocational education programs was the 1982-83 school year. Reasons for currently not conducting yearly counts of participants include: duplication of counts for those students taking more than one vocational education course; those students in high school who are taking college level vocational courses would be counted by both institutions; and several internal categorical designations, such as special education services, within the vocational education program also lend to duplication of count. From the last year a count was conducted (1982-83), there were 30,616 Indian/Alaska Native males and 33,218 Indian/Alaska Native females reportedly served, for a total of 63,834 such participants. Surprisingly, Indian/Alaska Native females outnumbered Indian/Alaska Native males by almost 3,000. The total number of vocational education participants during the 1982-83 school year in high school and in institutions of higher education was over 9,810,000.

Indian Vocational Education Program (Department of Education)

The purpose of this program is to provide financial assistance in the form of discretionary grants to eligible Indian tribes and tribal organizations (federally recognized) and Alaska Native groups to plan, conduct, and administer programs or portions of programs authorized by and consistent with the Carl D. Perkins Vocational Education Act. The two primary objectives of this program are (1) to improve the job placement record of trainees served under this authority and (2) to promote linkages to tribal/Alaska Native economic development plans. Funding priority is given to applications which would substantiate a 65 percent placement rate for program completers. To date, there have been over 400 projects funded serving approximately 100 tribal organizations in 30 different states. The program has been in existence since 1977. Table 28 shows the funding history of this program.

TABLE 28

Indian Vocational Education Funding History

Fiscal Year	Appropriation	Continuation Projects	New Projects	Total Projects	Applications Received
1989	$10,808,990	35	5	40	39
1988	10,462,777	28	12	40	71
1987	10,414,352	18	30	48	71
1986	9,564,367	19	22	41	92
1985	9,895,639	25	20	45	74
1984	6,733,624	29	0	29	0
1983	6,645,484	0	30	30	87
1982	5,936,734	22	0	22	0
1981	6,186,230	26	0	26	0
1980	6,929,755	8	26	34	58
1979	5,929,888	29	3	32	31
1978	5,437,777	19	11	30	40
1977	5,281,476	0	20	20	78

Source: Indian Vocational Education Program, Office of Vocational and Adult Education, Department of Education.

Vocational education training is offered in a wide range of occupations including construction trades, heavy equipment operation, business and clerical skills, small business management, forestry, agricultural occupations, automotive repair, upgrading skills of police officers, boat building, fisheries management, and tourism. In addition, bilingual training in a variety of vocational occupations is also offered. Urban programs may also apply for funding, if they obtain a tribal resolution authorizing the participation of tribal members.

Bureau of Indian Affairs Adult Vocational Training

The Bureau of Indian Affairs Adult Vocational Training does not fall under the authority of the Office of Indian Education Programs but is administered through the Office of Tribal Services. This program offers vocational training to Indians and Alaska Natives in fields in which they can obtain the necessary skills to become employable. The adult vocational training program provides counseling, guidance, institutional training in any recognized vocation or trade, apprenticeships, and on-the-job training. The BIA uses approximately 400 training institutions, each with a recognized reputation in the field of vocational training and an established record of successfully placing their students in suitable employment upon graduation. These schools offer courses to the Indian/Alaska Native trainees in areas such as welding, auto mechanics, computer programming, secretarial skills, registered nursing, cosmetology, and x-ray technology. The program is available to adult Indians/Alaska Natives, 18 to 35 years of age, who are members of federally recognized tribes/Alaska Native villages and reside on or near the reservation, trust land, or Alaska Native village. Applicants are assisted in the selection of their training program through personal counseling and interpretation of aptitude skills test results. This is to ensure that all applicants are trained in a field where they can attain the necessary skills to become employable. Annually, the vocational program offers assistance to approximately 3,000 Indian/Alaska Native adults.

During fiscal year 1989, two other institutions offered adult vocational programs for Indian adults. These were the United Tribes Technical College (UTTC) in Bismark, North Dakota, and the National Ironworkers Training Program. UTTC is under contract with the Bureau of Indian Affairs to provide Indian applicants with an opportunity for training in 1 of 10 vocational skill areas, plus job placement assistance upon completion of training. Through counseling and testing, UTTC assists the applicant in making a career choice which, in most instances, is in line with the manpower and skills needs of the applicant's tribe. The National Ironworkers Training Program provides an opportunity for the Indian participant to learn the ironworker trade. The program conducts three 14-week classes each year with approximately 30 trainees in each class. Trainees receive classroom and shop instruction. Each graduate is credited with one year of work experience toward his/her three years of apprenticeship training. From 1987 to 1988, there were 275 completions in the National Ironworkers Training Program and 552 at UTTC. Employment placement was 95 percent and 75 percent, respectively.

AMERICAN INDIANS/ALASKA NATIVES AND ACADEMIC ACHIEVEMENT

American Indian/Alaska Native students must meet the same admission requirements for acceptance into postsecondary institutions as their non-Indian counterparts. One of the requirements which must be included in an application is test results from one of the major college-entrance examinations. The two most common are the Scholastic Aptitude Test (SAT) and the American College Testing (ACT) Program. Most higher education institutions will accept either test as an indication of a student's probable success in college-level course work, and, indeed, both tests are offered in all states. In 1988, 28 states, predominantly in the central and western United States administered to the majority of their students the ACT while the remaining 22 states tended to use the SAT. However, a greater number of students took the SAT. In 1989, over 1.1 million students were administered the SAT while 850,000 took the ACT. Of the SAT test-takers, over 18,000 (1.6%) were identified as being of Indian/Alaska Native descent, while 9,000 (1%) such students took the ACT. The 27,000 plus Indians/Alaska Natives taking postsecondary entrance examinations show a definite increase over the 1988 total of just over 20,000 and 17,000 in 1987.

The increased participation of American Indians/Alaska Natives in almost every segment of the U.S. social and educational structure gives a clear indication of the endurance and the ability to adapt when Indian people are confronted by adversity and change while maintaining a cultural identity. But what cost has this evolutionary adaptation process placed on individuals caught between two worlds. While equity is still an elusive ideal for most Indians, will anything change once test scores reach the norm set by the dominant society? In one sense, achievement scores could be said to be the yardstick by which one measures progress in blending in with the rest of society.

Overview of the Scholastic Aptitude Test and the American College Testing Program

The SAT - The SAT is a 2 1/2-hour, multiple-choice test that measures developed verbal and mathematical reasoning abilities related to successful performance in college. The SAT is reported on a scale of 200 to 800 in each of the verbal or mathematical categories. The sum of both scores then becomes the overall SAT score for each student. Basically, the more years of study of academic subjects and the higher the grades and rank-in-class achieved, the higher the mean SAT score; however, one should not assume a casual relationship between the two. Herein lies the most-often debated cause and effect of (or lack of) achievement by American Indians/Alaska Natives and other minorities on achievement tests.

The following charts show how American Indians/Alaska Natives compare with other minority groups, whites, and the nation as a whole.

TABLE 29

SAT Averages by Ethnic Group, 1978-1985 and 1987-1989

SAT Verbal

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
American Indian	387	386	390	391	388	388	390	392	NA	393	393	384
Asian American	401	396	396	397	398	395	398	404	NA	405	408	409
Black	332	330	330	332	341	339	342	346	NA	351	353	351
Mexican American	370	370	372	373	377	375	376	382	NA	379	382	381
Puerto Rican	349	345	350	353	360	358	358	368	NA	360	355	360
Other Hispanic	NA	NA	NA	NA	NA	NA	NA	NA	NA	387	387	389
White	446	444	442	442	444	443	445	449	NA	447	445	446
Other	399	393	394	388	392	386	388	391	NA	405	410	414
All Men	433	431	428	430	431	430	433	437	437	435	435	434
All Women	425	423	420	418	421	420	420	425	426	425	422	421
All Students	429	427	424	424	426	425	426	431	431	430	428	427

SAT Mathematical

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
American Indian	419	421	426	425	424	425	427	428	NA	432	435	428
Asian American	510	511	509	513	513	514	519	518	NA	521	522	525
Black	354	358	360	362	366	369	373	376	NA	377	384	386
Mexican American	402	410	413	415	416	417	420	426	NA	424	428	430
Puerto Rican	388	388	394	398	403	403	405	409	NA	400	402	406
Other Hispanic	NA	NA	NA	NA	NA	NA	NA	NA	NA	432	433	436
White	485	483	482	483	483	484	487	490	NA	489	490	491
Other	450	447	449	447	449	446	450	448	NA	455	460	467
All Men	494	493	491	492	493	493	495	499	501	500	498	500
All Women	444	443	443	443	443	445	449	452	451	453	455	454
All Students	468	467	466	466	467	468	471	475	475	476	476	476

Source: The College Board Annual Report 1989

American Indians showed an increase in scores every year from 1982 through 1988 from an average score of 388 to 393 (5 points) on the verbal and 424 to 435 (11 points) on the math section. However, from 1988 to 1989, both categories for Indians showed decrease to 384 on the verbal section and 428 on the math. This can be explained by the 5,675 more Indians or Alaska Natives taking the SAT in 1989 than in 1988, resulting in an overall lowering of averages in both categories. The overall composite gain by white students was one point on the verbal and seven points on the mathematical sections for the period 1982-88. Comparing only the degree of improvement, American Indians/Alaska Natives far surpassed the gains made by whites, but in actual average scores, Indians/Alaska Natives are out-performed by whites approximately 60 points in both areas. Typically, Asian Americans out-perform all racial groups in the mathematical section but score well below the mean on the verbal section. Table 30 shows the number of college-bound students taking the SAT in 1988 and 1989 and the percent of change from 1988 to 1989.

TABLE 30

Number of SAT Test-Takers

Ethnic Group	1988	1989	Change from 1988	
American Indian	12,330	18,005	5,675	(46%)
Asian American	64,102	68,254	4,152	(6%)
Black	97,483	96,615	-868	(-0.9%)
Mexican American	22,722	25,207	2,485	(11%)
Puerto Rican	11,497	11,415	-82	(-0.7%)
Other Hispanic	20,213	21,242	1,029	(5%)
White	813,116	752,257	-60,859	(-7.5%)
Other	14,094	13,454	-640	(-4.5%)
All Men	544,065	521,229	-22,836	(-4.2%)
All Women	590,299	566,994	-23,305	(-3.9%)
All Students	1,134,364	1,088,223	-46,141	(-4.1%)

Source: The College Board 1989 Annual Report

The ACT - The ACT examination is a test of general educational development designed to measure the knowledge and skills that students have developed during their school careers. The scoring range for the ACT is from 1 to 35 and covers 4 content areas, including English, mathematics, social studies, and natural sciences. The resultant subject area scores are then averaged for a total composite score, which some institutions use as a cut-off point for acceptance or denial into their schools. In general, the average performance of most minority groups has been lower than the average performance of the majority group on the ACT tests. The lower average ACT scores earned by minority students are indicators that, on average, the past educational opportunities and experiences are inferior to those of majority students. Often state graduation requirements, especially in the core subjects, play a big part in how well Indians/Alaska Natives do on these tests. Similar indicators mentioned in the SAT section also affect achievement levels here.

Table 31 shows how American Indians/Alaska Natives compare with other minority groups, whites, and the nation as a whole.

TABLE 31

American College Testing Program

Comparison of Average ACT Scores for the Last Five Years by Ethnic Group

	1985	1986	1987	1988	1989
American Indian/Alaska Native	14.1	14.4	14.6	14.9	14.1
Asian American/Pacific Islander	19.2	19.6	19.8	19.9	20.0
Black	12.6	13.0	13.4	13.6	13.6
Mexican American/Chicano	14.7	15.2	15.4	15.7	15.4
Puerto Rican/Other Hispanic	16.2	16.5	16.9	17.1	17.0
White	19.5	19.7	19.6	19.6	19.4
All Students	18.6	18.8	18.7	18.8	18.6
All Men	19.4	19.6	19.5	19.6	19.3
All Women	17.9	18.1	18.1	18.1	18.0

Source: American College Testing Program 1989 Yearly Report

Tables 32 and 33 show the number of American Indian/Alaska Native and all participants taking the ACT with average scores by subject.

TABLE 32

American Indian/Alaska Native Average ACT Scores by Subject

Year	Student Count	English	Math	Social Studies	Natural Sciences	Composite
1985	6,858	13.9	11.8	12.7	17.3	14.1
1986	6,712	14.4	12.1	13.0	17.7	14.4
1987	7,358	14.6	12.5	13.2	17.8	14.6
1988	8,096	14.7	12.8	13.3	18.1	14.9
1989	9,115	14.6	12.8	13.0	17.9	14.7

TABLE 33

All Students Average ACT Scores by Subject

Year	Student Count	English	Math	Social Studies	Natural Sciences	Composite
1985	855,171	18.1	17.2	17.4	21.2	18.6
1986	842,322	18.5	17.3	17.6	21.4	18.8
1987	777,444	18.4	17.2	17.5	21.4	18.7
1988	729,606	18.5	17.2	17.4	21.4	18.8
1989	738,836	18.4	17.1	17.2	21.2	18.6

Source: American College Testing Program 1989 Yearly Report

Standardized Tests and American Indians/Alaska Natives

American Indians/Alaska Natives have performed on both the ACT and SAT with scores approximating most other minorities but consistently lower than white students. The reasons for this are often associated with social conditions, family situations, and income within the students' environments. The majority of Indians/Alaska Natives come from economically disadvantaged backgrounds and may not be exposed to as many of the everyday experiences other non-Indians take for granted. The median family income for Indians/Alaska Natives from the 1980 census was less than $14,000, compared to almost $20,000 for the rest of the U.S. population. Twenty-four percent of the Indian/Alaska Native population is considered to be living in poverty conditions, while the rest of the U.S. population compares at 10 percent.

The strong cultural and traditional influences of the Indian/Alaska Native communities are other factors to consider. Ideals and attitudes considered important in non-Indian society are often of little importance to Indians/Alaska Natives. An example of this is the American trait of competitiveness, which was often considered an undesirable condition to certain Indian cultures. In addition, early years of discrimination and ill-treatment in boarding schools at the hands of the federal government reinforced the negative attitudes of many Indians who shunned the education of the white man in order to preserve what was left of their cultures. These factors are indeed changing but, nevertheless, have had an indirect influence on the way Indian people excel, especially when compared to other ethnic groups. All minority groups have had to deal with some degree of discrimination by the dominant society, and test scores are often a reflection of this. The current debate concerning the bias of standardized tests is a positive move on the part of test developers to objectively and, as accurately as possible, measure a student's knowledge base and his/her ability to successfully meet the requirements of a postsecondary education. Even with all the obstacles confronting Indians/Alaska Natives today, the most important resource at their disposal is a culture that is still alive in its people and the positive aspects an education can add, once acquired.

AMERICAN INDIANS/ALASKA NATIVES AND FINANCIAL AID

American Indians/Alaska Natives pursuing a higher education degree are often faced with the same difficulties as non-Indians in locating funds to pay for a college education. Many Americans believe that just because a person is a member of an Indian tribe, the tribe and/or the federal government automatically pays for any and all higher education expenses. Any recent American Indian/Alaska Native graduate will explain that such is not the case. While some assistance is offered to tribal members who demonstrate financial need, the proportion of assistance tribal higher education departments routinely fund only makes up 25 percent of the entire financial aid package. One of the problems of this type of arrangement is that instead of going to one central location to apply for loans or grants, the Indian student must contact the tribe for procedures on applying for tribal grants and, if applicable, the Bureau of Indian Affairs for scholarship information, while simultaneously applying for all of the available grant or loan programs available from state and other federal sources. The maze of paperwork required by each organization's financial aid officer is sometimes enough to keep some American Indians/Alaska Natives from entering postsecondary education programs. Once a "financial aid package" is finally developed, it should meet all the costs of the year's expenses; however, after all academic expenses are paid, there usually exist gaps associated with living expenses. One would hope that these costs could be absorbed by grants, but, as will be shown later, Indians/Alaska Natives must often rely on loans, if a college education is to be achieved.

Due to their growth in numbers, there has recently been increased interest in minority students in the American educational system. With America losing its competitive edge in the fields of science and engineering, governmental agencies and private industry are providing opportunities to increase the numbers of students going into these select disciplines. Few American Indians/Alaska Natives are taking advantage of these programs due to the relative newness and demanding standards for program acceptance. With average achievement scores of Indians/Alaska Natives lower than the national average, more preparation must be done to insure American Indian/Alaska Native participation in this area. Factors which must be addressed include adequate preparation at the public school (K-12) level with inclusion of such students in academic programs offering higher mathematics and sciences and appropriate levels of funding at the postsecondary level to insure that those students with the drive and talent have the opportunity to pursue their chosen professions.

The following gives a brief overview of some of the student financial assistance sources most often used by American Indians/Alaska Natives.

Bureau of Indian Affairs Scholarship Program

The purpose of the BIA Higher Education Program is to provide financial aid to eligible Indian and Alaska Native students to attend accredited postsecondary institutions which will enable them to meet their educational goals, develop leadership abilities, and increase their employment opportunities in professional fields so that they may contribute to the economic and social goals and objectives of the various tribes. The program provides for grants to Indians, Eskimos, or Aleut students who are members of a federally recognized tribe or village and who are admitted for enrollment in an accredited college or university program leading primarily to a baccalaureate degree. A certificate of degree of Indian blood or other proof of Indian blood certified by the tribal enrollment office of the BIA must be a part of the student's application. Financial need is determined by the institution's financial aid officer. Education staff at the area and agency offices provides supervision for this program.

The financial aid package, completed and certified by the institution's financial aid officer, serves as the principal basis for determining the BIA grant amount. The BIA grant award, combined with any other assistance, cannot exceed the institution's determination of the student's need. The BIA contribution is approximately 25 percent of the total assistance required by students. They supplement their scholarship grant with college-based awards, such as Pell Grants, Supplementary Education Opportunity Grants (SEOG), Perkins Loans, and College Work Study (CWS); funds from other public sources, such as Veterans Administration, welfare, state grants, Social Security, tribal awards, vocational rehabilitation; tuition waivers from the college; and parental and personal contributions.

Typically, the undergradute scholarship program for Indian/Alaska Native students is contracted out to tribes or may be administered at the agency level of the BIA. Some tribal organizations may have additional resources from which they supplement any existing funds for higher education purposes.

Table 34 shows the funding levels for the BIA's undergraduate scholarship program.

TABLE 34

BIA Higher Education Grant Program

Fiscal Year	Funding Level	Number Served	Average Grant Size	Number of Graduates	# of Tribal Contracts	Program Direction Cost
1989	$28,476,000	17,800	$1,385	1,500	100	$3,817,000
1988	28,770,000	17,800	1,402	1,600	100	3,817,000
1987	31,168,000	15,214	1,800	1,102	98	3,817,000
1986	29,203,000	14,500	1,676	1,450	96	3,645,000
1985	26,868,000	16,000	1,461	1,380	96	3,500,000
1984	26,197,000	15,600	1,461	1,310	91	3,404,000

Source: Fiscal Year 1990 Budget Justification, Bureau of Indian Affairs

BIA Special Higher Education Scholarships

This program provides financial assistance to Indian/Alaska Native students for graduate level study with special emphasis on the professions of law, education, medicine, natural resources, engineering, business administration, and social work. To qualify for assistance under the current program, the applicant must meet all the basic requirements of the Bureau's general scholarship program, have earned an undergraduate degree, and be officially admitted to a graduate studies program. Pre-law students in a special summer program, or those requiring graduate studies to qualify to enter professional career fields, may also be assisted from this program. Since 1972, the Bureau's graduate scholarship program has been contracted out to the American Indian Graduate Center (AIGC--formerly American Indian Scholarships, Inc.) in Albuquerque, New Mexico. Students receiving these special scholarships have historically been required to apply for all available financial aid offered at the graduate level. The individual's budget is then submitted by the college financial aid officer to the special program with "unmet need" recommendations. The maximum dollar amount available under this program is $10,000 per academic year; however, no individual grant may exceed the calculated "unmet need" recommendation submitted by the college financial aid officer. If the "unmet need" exceeds the maximum allowance, the student must then apply for additional loans. Using the maximum allowance criteria, about 30 to 35 percent of the budget has been available to fund students in other than the 6 priority fields.

Funding levels for the graduate program have not kept up with the demand of American Indians/Alaska Natives wishing to pursue postgraduate degrees. The graduate program has typically been able to fund only 40 to 50 percent of the applicants each year. Table 35 shows the number of applicants recently funded under this program.

TABLE 35

BIA Special Higher Education Graduate Scholarship Program

Field of Study	Academic Year 1987-88 Awards	Summer 1987 Awards	Academic Year 1988-89 Applicants/Awards (%)*	Summer 1989 Applicants/Awards (%)
Law	128	35	152/101 (66%)	32/27 (84%)
Education	63	14	129/62 (48%)	21/11 (55%)
Business	25	3	59/29 (49%)	4/1 (25%)
Health Professions	53	10	138/82 (59%)	28/21 (75%)
Engineering	4	0	7/7 (100%)	--/-- (--)
Natural Resources	0	1	2/1 (50%)	--/1 (--)
Other Fields	27	2	74/3 (4%)	3/0 (0%)
Total	300	65	561/285 (51%)	88/61 (69%)

* Percent of total applicants funded.

Office of Indian Education Fellowship Program

The Department of Education's Office of Indian Education administers the Indian Fellowship Program for qualified American Indians and Alaska Natives at either the undergraduate or graduate level. Students must be attending or be accepted by the institution as full-time students. Allowable fields of study at the undergraduate or graduate level include engineering, business administration, natural resources, and related fields. At the postbaccalaureate level, students may apply for a fellowship if pursuing degrees in medicine, psychology, clinical psychology, law, education, and related fields.

Unlike the Bureau's scholarship program, the Indian Fellowship Program is not based on a student's level of financial need but rather on previous scholastic performance and, to some degree, leadership abilities shown and commitment to pursuing the chosen field of study and to providing leadership to the Indian community once a degree has been earned. Additionally, a recipient of a fellowship award does not necessarily have to apply for other sources of funding. However, if he/she does apply for other financial resources, the Indian fellowship will be adjusted to prevent an overaward. Indian fellowship recipients are usually not notified until just before the start date of the fall term, and, in some cases, students have already applied for and received additional loans or grants to cover the year's academic expenses. The current authorizing legislation requires written notification of award of an Indian fellowship to be made not less than 45 days before the beginning of the academic term. The Indian Fellowship Program does not currently have information indicating the percentage of recipients who are receiving additional financial assistance from federal, state, or private sources. Program staff reported that additional manpower would be needed to extract this information from individual student files.

For those students seeking a continuation of a fellowship beyond the first year, certain conditions apply. Acceptable grade performance is mandatory, as is timely completion of a continuation application. Program regulations prescribe that fellowship awards may continue for a period of time set by the school as standard for the allowable field of study or for a period of time not to exceed four years for an undergraduate or doctorate degree and not to exceed two years for a master's degree. Table 29 shows the number of fellowship awards from 1985 through 1989. During the last 3 fiscal years, this program has met approximately 20 percent of the need of Indian/Alaska Native students seeking fellowship assistance. If available, the breakdown by new or continuation awards is also shown.

TABLE 36

Indian Fellowship Recipients

Office of Indian Education

FISCAL YEAR	1985	1986	1987	1988	1989
Number of Awards	221 ( )*	211 ( )*	157 (741)*	141 (617)*	124 (678)*
New				53	51
Continuation				88	73

* Total Applications received

Indian Health Service Scholarship Program

The Indian Health Service of the Department of Health and Human Services offers three scholarship programs to eligible Indian/Alaska Native students wishing to pursue careers in health fields. In the Indian Health Care Improvement Act, Public Law 94-437, the Congress and the President of the United States established a national goal "to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services." In order to accomplish this goal, the Act and its subsequent 1980 amendments authorize the Indian Health Service (IHS) to conduct three interrelated scholarship programs to train the health professional personnel necessary to staff IHS health programs and other health programs serving Indian and Alaska Native people. The three IHS scholarship programs are:

- Health Professions Preparatory Scholarship Program
- Health Professions Pregraduate Scholarship Program
- Health Professions Scholarship Program

The Health Professions Preparatory Program provides financial assistance for Indian/Alaska Native students only to enroll in courses that will prepare them for acceptance into health professions schools, i.e., medicine, nursing, dentistry, etc. Courses may be either compensatory (required to improve science, mathematics, or other basic skills and knowledge) or professional (required in order to qualify for admission into a health professions program). Health career categories for this program change from year to year depending on manpower needs of IHS; therefore, prospective applicants should contact the IHS for current priority fields.

The Health Professions Pregraduate Scholarship Program provides financial support for Indian/Alaska Native students only to enroll in courses leading to a baccalaureate degree in specific preprofessional areas (the 1989-90 priority fields were premedicine and predentistry). Again, the priority needs may change, and applicants should contact the IHS for the current priority fields. Students must also be accepted by and/or enrolled in the specified program at the time of application.

The Health Professions Scholarship Program provides financial assistance to students enrolled in health professions and allied health professions programs. For this program, there are service obligation and payback requirements that the recipient incurs upon acceptance of the scholarship funding. Priority is given to graduate students and junior and senior level students, unless otherwise specified. Table 37 shows the funding level of the IHS Scholarship Program and the number of awards made during the last two fiscal years. The percent funded category reflects only those students who received new awards out of the eligible applications received.

Table 37

IHS Scholarship Program

Year	Appropriation	New Awards	Continuation Awards	Total Awards	Percentage* Funded	Total Applications Received
1989	$7,896,000	178	242	420	21%	866
1988	7,646,000	88	335	423	10%	880

* Percent funded reflects percentage of new awards made from all applications received.
Source: Telephone contact, IHS Scholarship Program.

Other Sources of Financial Aid

In addition to the aforementioned scholarship/fellowship programs and the requirement by most that Indian/Alaska Native students apply for other sources of financial assistance, the following information is included on the major financial aid programs offered by the Department of Education. All of these financial assistance programs are authorized under Title IV of the Higher Education Act. These programs are divided into three major categories: (1) grants -- financial assistance which does not have to be repaid; (2) loans -- borrowed money that must be repaid with interest; and (3) work-study -- school-based programs in which students can work to pay for school.

The major federal financial assistance programs are the Pell Grant, Supplemental Educational Opportunity Grant (SEOG), College Work-Study (CWS), Perkins Loan (formerly National Direct Student Loans (NDSL)), Stafford Loan (core program was previously Guaranteed Student Loan (GSL) Program), Supplemental Loans for Students (SLS), and Parent Loans for Undergraduates (PLUS). In 1987, a report was prepared by the National Center for Education Statistics entitled "Undergraduate Financing of Postsecondary Education - A Report of the 1987 National Postsecondary Student Aid Study." The study provided valuable information on loan and grant distribution trends during 1986. Table 38 is provided to illustrate how American Indians/Alaska Natives utilized federal financial assistance programs during the study period.

TABLE 38

Undergraduates Enrolled in the Fall of 1986 Who Were Awarded Federal Aid

Selected Student Characteristics	Number of Undergraduates	Type of Federal Aid (in percentages)							
		Any Federal Aid	Any Title IV Aid	Selected Title IV Programs					Any Other Federal Aid
				Pell	SEOG	CWS	NDSL	GSL	
Total Undergraduates	11,213,432	34.9	30.8	17.5	5.0	4.3	5.6	20.5	4.0
GENDER									
Male	5,034,831	34.1	28.9	15.2	4.5	3.8	5.4	20.3	2.7
Female	6,178,601	35.6	32.3	19.4	5.4	4.7	5.8	20.6	2.7
RACE/ETHNICITY									
American Indian	112,134	40.3	36.9	29.2	5.6	4.3	5.3	15.4	5.6
Asian American	571,885	33.3	28.5	20.4	6.8	5.3	6.0	14.5	4.2
Black	1,042,849	55.7	50.2	39.7	9.8	8.1	6.8	29.1	5.6
Hispanic	762,513	40.9	36.6	26.1	6.6	4.3	5.3	20.4	3.5
White	8,724,050	32.0	28.0	13.7	4.1	3.8	5.4	19.9	3.9

Source: "Undergraduate Financing of Postsecondary Education - A Report of the 1987 National Postsecondary Student Aid Study," Page 57, National Center for Education Statistics, Department of Education.

Note: Some grant or loan programs were changed or renamed after completion of the study. Please also note that the number of American Indian undergraduates in 1986 reported by this study is at variance with that reported in Table 1 and that the above figures are estimates based on a sample.

As shown above, most American Indian/Alaska Native students, as well as other students, utilize the Pell Grant Program when seeking additional sources to complete the "financial aid package." Of all of the financial assistance programs, Pell receives the bulk of appropriated funds. According to the same 1987 study, American Indians received, on average, $3,299 in grant amounts and/or were loaned $2,762 to pay for one year of undergraduate education. The average grant amount to Indians/Alaska Natives exceeded all other racial group averages, probably due to the inclusion of tribal or BIA scholarships. Interestingly, such students also exceeded all other racial groups in loan amounts received. This, in itself, is ironic because of the federal government's obligation to provide education to Indian people in exchange for land in early ratified treaties.

Indian/Alaska Native family income is less than the national average. Those parents working extra jobs or those parents lucky enough to have a college education making middle income salaries may be placing their children in positions where they cannot qualify for grant funds and, therefore, must rely on loans to in order to go to college.

Since 1970, the federal government has moved in different directions, toward need-based grants in the first half of the 1970's and toward guaranteed student loans in the second half. After 1980, more federal aid was awarded through loans than in the form of grant aid. All forms of aid have not kept pace with inflation, as illustrated by the $60 average annual increase in the Pell grant maximum, for which the poorest applicants could qualify, compared to the average annual increase in costs of attendance faced by such students at public colleges of about $300 per year and about $600 per year at private colleges during this same period of time. As the purchasing power of available grants assistance has diminished, students with financial need have had to rely increasingly on student loans to finance college attendance costs.

Increasingly, there have been several private foundations offering scholarships to minority applicants who have above average grades and can demonstrate financial need. The majority of these scholarships are found in the areas of science, engineering, and other technical fields. The ever-increasing demand for students to enter these fields indicates the severity of shortages and the need for well-trained and qualified personnel. If the current funding trend for all Indian education postsecondary programs continues, one can expect Indians and Alaska Natives to remain at or near the bottom of every socio-economic indicator in the United States. More and more Indians and Alaska Natives are applying for less and less current dollar scholarship funds which means there will be eventually an Indian nation of borrowers, unless obligations and educational priorities are met. The last two decades have shown vast improvements in the health, educational, and economic status of almost all Indian and Alaska Native people, but, without maintaining the momentum that has already been established, we risk continuing in a third-world existence within our own country.

AMERICAN INDIANS EMPLOYED IN EDUCATIONAL POSITIONS

The United States is experiencing severe national shortages in teaching positions at all levels. That, coupled with the vast number of pending retirements and the fewer students going into teaching professions, promises to place an exceeding burden on those new to the profession and career faculty. American Indian/Alaska Native adults are an integral part of the learning experience for their children. The presence of Indians and Alaska Natives in K-12 and postsecondary institutions in teaching or support positions provides positive role and mentoring models for students. Of course, the same is true for other minorities. Projections for the end of the 20th century indicate that the majority of public school students will be from ethnic minority backgrounds, particularly in urban areas. Unfortunately, the same studies predict fewer minority teachers to instruct the growing numbers of minority students.

Data for 1986 shows that over 14,000 Indians were employed in the nation's K-12 schools. No data were available from the Department of Education's Office of Indian Education providing any type of estimate of the number of American Indians/Alaska Natives employed in Indian Education Act (Title V) programs. Surveys completed by the Equal Employment Opportunity Commission typically count all employees in each school district; consequently, total figures under specific categories such as teacher aides and certified teachers, could include those employed in Indian education programs. At this time, however, there is no reliable way to estimate the number of American Indian/Alaska Natives working in Title V programs.

In the fall of 1987, across all institutions of higher education, whites accounted for 89 percent of full-time regular faculty and 90 percent of part-time regular faculty (Table 42). Relatively small numbers of full-time faculty positions were held by Asian Americans (4 percent), blacks (3 percent), Hispanics (2 percent), and American Indians/Alaska Natives (1 percent). Minorities accounted for similar percentages of part-time faculty. As shown by the following tables, the numbers and percentages of American Indians/Alaska Natives going into certain disciplines requiring advanced skill development is disappointingly low and non-existent in some cases. For example, in 1987, there were no such faculty engineering instructors identified in either two- or four-year institutions in the United States. Additionally, no American Indians/Alaska Natives were counted as being engaged in any type of research at any institutions targeted during this survey. In 1985, the total number of American Indians/Alaska Natives employed in some capacity in institutions of higher education reached almost 12,000.

In terms of those American Indians/Alaska Natives in positions within the American educational system, the following tables show the various positions and numbers employed in each. The latest available information reported here is the 1986 elementary and secondary report for K-12 public schools (Table 39) covering 6,425 school districts and 52,752 schools and the 1985 employment report for institutions of higher education (Table 40) covering the 2,868 public and private institutions which had 100 or more employees. More recent higher education faculty information as reported for 1987 (Table 42) has also been included.

TABLE 39

American Indians/Alaska Natives Employed Full-Time in K-12 Schools (6,425 Districts)*, 1986

1986	Male	Female	Total
Executives/Administrators/Managers	99	66	165
Principals	104	89	193
Assistant Principals Teaching	6	1	7
Assistant Principals Non-Teaching	52	26	78
Elementary Classroom Teachers	1,252	1,483	2,735
Secondary Classroom Teachers	821	527	1,348
Other Classroom Teachers	156	303	459
Guidance	91	113	204
Psychological	18	40	58
Librarians/Audio Visual Staff	16	53	69
Consultants & Supervisors of Instruction	27	41	68
Other Professional Staff	92	185	277
Teacher Aides	264	1,701	1,966
Technicians	210	131	341
Clerical/Secretarial Staff	54	852	906
Service Workers	1,160	916	2,076
Skilled Crafts	174	19	193
Laborers, Unskilled	110	82	192
Total Employed Full-Time	4,706	6,628	11,334

American Indians/Alaska Natives Employed Part-Time in K-12 Schools (6,425 Districts)*, 1986

1986	Male	Female	Total
Professional Instructional	76	136	212
All Other	578	1,233	1,811
Total Employed Part-Time	654	1,369	2,023

TABLE 39A

American Indian/Alaska Native "New Hires" in K-12 Schools (6,425 Districts)*, 1986

1986	Male	Female	Total
Executives/Administrators/Managers	5	2	7
Principals/Assistant Principals	9	7	16
Classroom Teachers	85	177	262
Other Professional Staff	15	36	51
Non-Professional Staff	475	252	727
Total "New Hires"	589	474	1,063

Total American Indians/Alaska Natives Employed in K-12 Public Schools (6,425 Districts)*, 1986
All Categories

1986	Male	Female	Total
Total Employed Full-Time	4,706	6,628	11,334
Total Employed Part-Time	654	1,369	2,023
Total "New Hires"	589	474	1,063
Total Indians Employed in K-12 Schools	5,949	8,471	14,420

***Note:** According to the National Center for Education Statistics, there were 15,713 public school districts in the United States in school year 1986-87. The number of districts in 1985-86 is not available. Of these, 6,425 responded to the survey.
Source: "1986 Elementary and Secondary Staff Information EEO-5 Survey, Summary Report Total U.S.," Equal Employment Opportunity Commission.

TABLE 40

American Indians/Alaska Natives Employed in Higher Education Institutions (2,868 Schools)*, 1985

Full-Time Faculty

1985	Male	Female	Total
9-10 Month Contract	867	266	1,133
Less than 9-10 Month Contract	29	8	37
11-12 Month Contract	231	76	307
Total Full-Time Faculty	1,127	350	1,477

All Other Full-Time Employees

1985	Male	Female	Total
Executives/Administrators/Managers	351	149	500
Professional Non-Faculty	654	552	1,206
Secretarial/Clerical	282	1,379	1,661
Technical Paraprofessionals	277	303	580
Skill Crafts	379	10	389
Service Maintenance	926	409	1,335
Exec/Mgr/Adm	64	16	80
Soft Money	227	317	544
Foreign	133	49	182
Total Other Full-Time Employees	3,293	3,184	6,477

Tenured Full-Time Faculty by Rank

1985	Male	Female	Total
Professors	243	27	270
Associate Professors	272	42	314
Assistant Professors	89	12	101
Instructors	91	43	134
Lecturers	1	1	2
Other Faculty	6	2	8
Total Tenured Full-Time	702	127	829

TABLE 40A

Non-Tenured Full-Time Faculty by Rank

1985	Male	Female	Total
Professors	9	4	13
Associate Professors	53	7	60
Assistant Professors	263	43	306
Instructors	37	23	60
Lecturers	1	3	4
Other Faculty	6	1	7
Total Non-Tenured Full-Time	369	81	450

Other Full-Time Faculty by Rank

1985	Male	Female	Total
Professors	12	4	16
Associate Professors	22	8	30
Assistant Professors	50	23	73
Instructors	178	64	242
Lecturers	27	14	41
Other Faculty	34	20	54
Total Other Full-Time Faculty	323	133	456

Part-Time Faculty

1985	Male	Female	Total
Executives/Administrators/Managers	22	18	40
Tenured Faculty	12	6	18
Non-Tenured Faculty	37	25	62
Other Faculty	421	322	743
Professional Non-Faculty	94	92	186
Secretarial/Clerical	53	394	447
Technical Paraprofessionals	67	121	188
Skill Crafts	20	5	25
Service Maintenance	150	112	262
Total Part-Time Faculty	876	1,095	1,971

TABLE 40B

American Indians/Alaska Natives Employed in Higher Education Institutions, 1985, continued

New Hires

1985	Male	Female	Total
Executives/Administrators/Managers	6	6	12
Tenured Faculty	11	1	12
Non-Tenured Faculty	38	24	62
Other Faculty	86	19	105
Professional Non-Faculty	40	44	84
Secretarial/Clerical	18	135	153
Technical Paraprofessionals	20	30	50
Skill Crafts	24	1	25
Service Maintenance	61	32	93
Total New Hires	304	292	596

1985 Total American Indians/Alaska Natives Employed in Higher Education Institutions All Categories (2,868 Schools)*

1985	Male	Female	Total
Total Full-Time Faculty	1,127	350	1,477
Total Other Full-Time Employees	3,293	3,184	6,477
Total Tenured Full-Time	702	127	829
Total Non-Tenured Full-Time	369	81	450
Total Other Full-Time Faculty	323	133	456
Total Part-Time Faculty	876	1,095	1,971
Grand Total Indians in H. ED.	6,690	4,970	11,660

***Note:** The above higher education tables reflect information provided by the 2,868 institutions with at least 100 employees required to respond to the survey.

Source: "1985 EEO-6 Detail Summary Report, U.S. Summary," Equal Employment Opportunity Commission.

TABLE 41

1983 American Indian/Alaska Native Faculty by Rank and Sex, United States

Rank	Male	Female	Total
Professors	196	35	231
Associate Professors	229	55	284
Assistant Professors	216	81	297
Instructors	219	135	354
Lecturers	23	15	38
Other Faculty	69	34	103
Total	952	355	1,307

Note: Some 52 percent of Indian/Alaska Native male faculty was tenured and some 36 percent of females.
Source: "The American Indian in Higher Education, 1975-76 to 1984-85," National Center for Education Statistics, Department of Education, March 1987.

TABLE 42

Percentage Distribution of Full-Time Regular Faculty by Race/Ethnicity, Type and Control of Institution, and Department Program Area, Fall 1987

	Full-Time Regular Faculty	% AI/AN	% Asian	% Black	% Hispanic	% White
All Institutions 1/	489,164 (100%)	1	4	3	2	89
By Type and Control						
Public Research	96,228 (100%)	1	5	2	2	90
Private Research	39,136 (100%)	0	4	6	5	85
Public Doctoral 2/	53,871 (100%)	1	5	2	1	91
Private Doctoral 3/	22,107 (100%)	-1	10	2	1	86
Public Comprehensive	93,144 (100%)	1	6	4	2	88
Private Comprehensive	35,160 (100%)	1	4	2	1	91
Liberal Arts	39,086 (100%)	1	3	8	1	87
Public two-year 4/	91,559 (100%)	1	2	3	3	91
Other 5/	14,778 (100%)	0	1	3	1	95
Four-Yr. Institutions	378,732 (100%)	1	5	3	2	89
By Program Area						
Ag. and Home Econ.	10,912 (100%)	2	1	-1	3	94
Business	24,329 (100%)	1	9	3	1	86
Education	24,464 (100%)	1	1	7	3	88
Engineering	18,682 (100%)	0	15	1	1	83
Fine Arts	24,789 (100%)	1	2	3	3	91
Health Science	78,927 (100%)	1	7	3	1	88
Humanities	47,426 (100%)	1	2	3	4	91
Natural Sciences	60,347 (100%)	1	7	1	2	89
Social Sciences	40,369 (100%)	1	2	5	2	89
Other Fields	48,488 (100%)	1	4	6	1	88

-1 Less than 1 percent.

1/ All accredited, nonproprietary U.S. postsecondary institutions that grant a two-year (AA) or higher degree and whose accreditation at the higher education level is recognized by the U.S. Department of Education.

2/ Includes publicly controlled institutions classified by the Carnegie Foundation as specialized medical schools.

3/ Includes privately controlled institutions classified by the Carnegie Foundation as specialized medical schools.

4/ Respondents from two-year colleges are included only in "all institutions" because of too few cases for a reliable estimate.

5/ Religious and other specialized institutions, except medical, that offer degrees ranging from bachelor to doctorate.

Note: Details may not add to total because of rounding.

Source: "1988 National Survey of Postsecondary Faculty," National Center for Education Statistics, Department of Education.

TABLE 42A

Percentage Distribution of Part-Time Regular Faculty by Race/Ethnicity, Type and Control of Institution, and Department Program Area, Fall 1987

	Part-Time Regular Faculty	% AI/AN	% Asian	% Black	% Hispanic	% White
All Institutions 1/	175,589 (100%)	1	3	4	2	90
By Type and Control						
Public Research	10,163 (100%)	1	0	1	0	98
Private Research	8,466 (100%)	2	2	12	2	83
Public Doctoral 2/	7,403 (100%)	1	0	1	2	96
Private Doctoral 3/	10,428 (100%)	0	16	0	7	77
Public Comprehensive	21,659 (100%)	4	9	2	1	84
Private Comprehensive	9,842 (100%)	0	-1	0	3	97
Liberal Arts	12,917 (100%)	1	0	15	2	82
Public two-year 4/	80,814 (100%)	1	2	3	2	91
Other 5/	12,032 (100%)	0	1	1	0	98
Four-Yr. Institutions	80,877 (100%)	2	5	4	2	87
By Program Area						
Business	5,219 (100%)	0	0	1	0	99
Education	4,233 (100%)	3	4	9	3	81
Engineering	-- --	--	--	--	--	--
Fine Arts	8,506 (100%)	0	5	2	4	89
Health Science	17,214 (100%)	1	10	13	4	72
Humanities	8,598 (100%)	0	3	3	2	93
Natural Sciences	10,073 (100%)	1	8	1	1	89
Social Sciences	5,693 (100%)	14	7	5	0	74
Other Fields	16,577 (100%)	1	0	1	1	97

--	Too few cases for a reliable estimate.
-1	Less than 1 percent.
1/	All accredited, nonproprietary U.S. postsecondary institutions that grant a two-year (AA) or higher degree and whose accreditation at the higher education level is recognized by the U.S. Department of Education.
2/	Includes publicly controlled institutions classified by the Carnegie Foundation as specialized medical schools.
3/	Includes privately controlled institutions classified by the Carnegie Foundation as specialized medical schools.
4/	Respondents from two-year colleges are included only in "all institutions" because of too few cases for a reliable estimate.
5/	Religious and other specialized institutions, except medical, that offer degrees ranging from bachelor to doctorate.

Note: Details may not add to total because of rounding.

Source: "1988 National Survey of Postsecondary Faculty," National Center for Education Statistics, Department of Education.

PART IV

EDUCATING THE AMERICAN INDIAN/ALASKA NATIVE FAMILY

This section of the annual report will be written from the perspective of the education of everyone in Indian and Alaska Native communities and in line with the national education goals as outlined by President Bush in the State of the Union Address on January 31, 1990. Indians and Alaska Natives have a two-fold right to expect to participate in any federal efforts to reach the national goals by the year 2000, one being because of the special relationship between the tribes and the Government of the United States, which has been acknowledged by the Congress as giving rise to a responsibility to assure superior educational opportunities for all Indians, and the second being because of the status of Indians and Alaska Natives as citizens of the United States of America.

The national education goals outlined by President Bush are as follows:

Goal 1: By the year 2000, all children in America will start school ready to learn.

Goal 2: By the year 2000, the high school graduation rate will increase to at least 90 percent.

Goal 3: By the year 2000, American students will leave grades 4, 8, and 12 having demonstrated competency over a challenging subject matter including English, mathematics, science, history, geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

Goal 4: By the year 2000, U.S. students will be first in the world in mathematics and science achievement.

Goal 5: By the year 2000, every adult American will be literate and possess the knowledge and skills to compete in a global economy and exercise the rights and responsibilities of citizenship.

Goal 6: By the year 2000, every school in America will be free of drugs and violence and offer a disciplined environment conducive to learning.

The education of an individual begins at birth and continues until death. Likewise, in any community, one must be concerned about the education of the youngest member up to and including that of the oldest member. It is clear from extensive research that a youngster learns more in the first three years of life than in the rest of life. Consequently, the Indian and Alaska

Native communities must be concerned about early childhood education. In Indian and Alaska Native communities, the most prevalent preschool program is Head Start. In some isolated communities, Head Start is the only preschool program, and while Indians/Alaska Natives are usually able to meet the low family income requirement, some families in these isolated areas exceed the income ceiling and are excluded from the only preschool programs in their geographical area. Of the 310 federally recognized Indian reservations and 197 Alaska Native villages eligible for the Indian Head Start Program, 106 tribal organizations were awarded grants in fiscal year 1989 with 14,202 children served. Some other early childhood programs are funded through discretionary grant programs, but it is clear that to reach the first national education goal in Indian and Alaska Native communities, more early childhood programs must be established.

Although elders usually have more of life and wisdom to teach than to learn, that is not the case for younger adult members of a community. Since parents are a child's first teachers, they should have access to the training and support they need. During the work day, the "learning" of the youngest of children is usually in the hands of one parent or other caregiver, so these individuals must be prepared to "teach" the youngsters and influence them. To promote early recognition of the importance of reading, writing, and math skills, the parent(s) or caregivers must show that they can perform in these areas. Even after the child begins preschool and after kindergarten and into elementary and secondary school, the importance of the skills of the parents or caregivers cannot be overestimated. Consequently, in order to reach the youngsters, one must begin in a community with the education needs of its adults.

With the latest information on Indian and Alaska Native education levels being from the 1980 Census, one is at a disadvantage in assessing the current education needs of Indian and Alaska Native adults. However, to avoid assumptions, the 1980 information indicates that of Indian and Alaska Native persons 25 years of age and over (691,452 individuals), only 55.8 percent were high school graduates. With 44.2 percent of the population with less than a high school education in 1980 (approximately 305,621 individuals) and 24 percent of the population with only 0 to 8 years of education, the overriding question is whether, in the intervening 10 years, there has been significant progress made in the education of those 300,000-plus individuals and whether there have been others entering this age group who also lack a high school education. Tables 23, 24, 25, and 26 provided earlier in this report indicate that Indians and Alaska Natives have been served in state-administered adult education programs and in programs funded by OIE and BIA but do not provide information on the success rate of the individuals participating or if they completed or how many years it took them to complete high school equivalency. Since states administer the GED test, it is probably not wise to add the numbers served in state-administered programs and Indian programs because of the likelihood of a duplicate count for Indian General Equivalency Diploma (GED) test-takers. Thus, it appears that the adult education efforts of the Office of Indian Education and the Bureau of Indian Affairs should be doubled in the next few years to better meet what appears to be the Indian/Alaska Native adult education needs and to attempt to meet national goal 5 and reclaim those students who do not graduate from high school under national goal 2. However, an adult education needs assessment is in order to show the actual extent of the problem.

There is currently in the United States great concern about parental involvement in the education of children. Many parents have been criticized for lack of involvement in their children's school programs. It is very important for Indian and Alaska Native parents to feel comfortable in their children's school settings. This may involve many factors, sometimes including the parents' own education needs being met so that they do not feel intimidated by the school system or any teacher or administrator. Sometimes this requires some understanding about the Indian community on the part of teachers and some outreach to the parents. Poorly educated parents who feel that they have nothing to share at a parent-teacher conference are not likely to attend any such conference, especially in an intimidating environment. In-service training for teachers and school administrators could assist in this area.

Indians and Alaska Natives reportedly have one of the highest high school dropout rates in the United States; however, hard national statistics are not available. If Indian and Alaska Native students are to graduate in larger numbers, many factors must change, including the way teachers and administrators view and interact with Indian/Alaska Native students and the way students think of themselves. Because of the small numbers of Indian or Alaska Native classroom teachers and administrators, most Indian or Alaska Native children are taught by non-Indian teachers. It is most important that teachers receive training regarding cultural differences from a positive perspective as well as training in effective programs and practices in teaching Indian and Alaska Native children.

In order for Indian and Alaska Native students to meet national goals 3 and 4, teachers and administrators must be convinced that all students, including Indian and Alaska Native students, can learn math and science and other challenging subject matter. Curriculum tracking still exists in many cases for Indian and Alaska Native students. This is evident in the scores of such students on the SAT and ACT as shown in Tables 29 through 33. Many Indian and Alaska Native students are still tracked into remedial programs and vocational programs. It is clear that teachers and administrators often do not have high expectations for such students and do not encourage them to enroll in higher mathematics and science classes. Research in effective teaching practices and training of teachers in such practices are both essential components to effecting positive change in this area.

In addition, it is important for Indian and Alaska Native students to have the financial means to attend college and complete baccalaureate and graduate degrees in mathematics, science, engineering, as well as in other subject areas needed in their communities. As shown previously in Tables 34 through 37 and the accompanying narrative, the Indian scholarship programs of the various agencies meet only a small portion of the need for assistance. It is clear that in order to meet goal 4 and the professional development needs of Indian and Alaska Native communities, scholarship assistance must be greatly increased. Teacher education is particularly important, and a special initiative should be established to produce Indian/Alaska Native teachers for Indian/Alaska Native children. Two of the tribal colleges now award baccalaureate degrees in education, and one of them most recently is able to award a master's degree in education. There should be a national assessment of the other professional development needs of Indian and Alaska Native communities, taking into consideration economic development plans, tribal government needs, and health professional needs, to be used to determine the priority fields of study for various Indian scholarship/fellowship programs.

In order for Indian and Alaska Native communities to meet national education goal 5, a number of factors must be considered. The necessity for increased Indian adult education efforts has already been discussed above, but vocational-technical education needs must be addressed. Table 28 shows that the Indian Vocational Education Program at the Department of Education, a set-aside under the Carl D. Perkins Vocational Education Act, has funded a great number of projects since its inception in 1977; however, it serves only members of federally recognized Indian tribes and Alaska Native villages in about 40 projects per year. The BIA Adult Vocational Training funds another 3,000 members of such federally recognized Indian/Alaska Native entities per year. The Bureau of Indian Affairs also operates Southwestern Indian Polytechnic Institute, which serves 400 to 500 students with programs in vocational and technical fields, and Haskell Indian Junior College, which serves 700 to 800-plus students with programs in liberal arts, business education, and vocational-technical education. However, there are many federally recognized tribes and Alaska Native villages without local programs, and no off-reservation Indians or Alaska Natives are served. Consequently, it is important that these Indian and Alaska Native people have access to the state-administered vocational education programs. While a few states have worked well with Indian communities, many state-administered programs stop at the reservation line or provide little outreach to urban Indians and rural nonreservation Indian communities. It should be noted that despite the ABE/GED totals in Table 24, there are similar access problems to state-administered adult education programs. In order to address this problem, it is very important for Indian and Alaska Native adult education and vocational education needs to be reflected in each respective state plan submitted for the state-administered grant programs. In addition, it should be noted that there is no set-aside for Indians and Alaska Natives in the Adult Education Act comparable to that under the Perkins Act. In order to better meet the adult education needs of reservation and Alaska Native village residents, a two-percent such set-aside should be added to the Adult Education Act.

The Indian and Alaska Native communities cover a vast range with respect to degrees of development. Some tribes have launched economic development efforts that have been successful, while others have not been successful or are not yet ready to develop. It is very important that education and training go hand-in-hand with economic development. Indians and Alaska Natives have previously found themselves sometimes trained, through vocational educational or other job training programs, for that which did not exist in the local economy and they then went back for more training either in hope of gaining a locally marketable skill or to keep money coming into the family from the stipend or compensation paid to them during training. There must be coordination between training provided and tribal economic development efforts or the labor force needs of the communities bordering the reservations. Conversely, tribal economic development without education and training of Indian people can result in tribal enterprises run by non-Indians and continuing high Indian unemployment.

The tribally controlled colleges have a significant role to play in reservation communities. They have brought postsecondary education home to the people and have served as institutional resources for tribal governments. The colleges have worked in tribal economic development, education strategies at the elementary and secondary level, and as resources for the whole community and individuals. These colleges are terribly underfunded as reflected in Table 7. In addition, many of the colleges are housed in inadequate facilities. Additional operational and construction funds are needed, and special developmental and sustaining efforts should be begun to provide tribal colleges with opportunities comparable to those provided for historically black colleges.

The ability of the Indian and Alaska Native communities to reach national education goal 6 will depend on how America handles drugs and violence. About 85 percent of Indian and Alaska Native children attend public schools, and those school environments are not always drug-free or even safe physical plants. In fact, some public schools on or near reservations and tribal and BIA elementary and secondary schools have construction needs with no available safe environment conducive to learning. This basic need for safe facilities should be met. In addition, the education of Indian and Alaska Native children and adults is also affected by many other socio-economic factors. The educational activities of an individual cannot be separated from the rest of him, and various factors affect learning. Whether a child is hungry at school, sleepy from being kept awake due to alcohol- or drug-related family violence, or sick because of inadequate health services or poor housing can affect his learning. Clearly, these factors and adequate child care and transportation affect the adult learner's ability to take advantage of educational opportunities. Several federal agencies are involved in programs to meet these socio-economic needs. These agencies must be included in any coordinated effort to improve the education level of Indian and Alaska Native people.

There are a number of Indian education studies now underway or proposed, and the White House Conference on Indian Education has been authorized and promised. The above discourse shows that the field of Indian/Alaska Native education is as diverse as all of American education. In fact, Indian education is a microcosm of American education with all of the special problems attendant thereto with a federal (BIA) school system added in. If America is serious about meeting its national education goals and meeting the challenge of addressing the education crisis today, then Indian and Alaska Native education is the area for concentrated effort, research, and innovation --for if programs and practices work effectively and successfully in Indian and Alaska Native education, they will work for the rest of America.

PART V

RECOMMENDATIONS

The recommendations of the National Advisory Council on Indian Education to the Congress of the United States and to the Department of Education and the current Administration are as follows:

1. The Office of Indian Education (OIE) should be reestablished as an independent division within the structure of the United States Department of Education, and the Director of OIE should be upgraded to an Assistant Secretary who shall report directly to the Secretary of Education.

2. The Office of Indian Education of the Department of Education should play a leading role in identifying and disseminating effective Indian/Alaska Native education practices from all education projects funded by the Department of Education.

3. The Secretary of Education should conduct a review of the Resource and Evaluation Centers funded by the Office of Indian Education. Such review should note their mandate, responsiveness to Indian Education Act program grantees and potential grantees, and any gaps in such service. After such a review, changes should be made in the contracts or service delivery to better meet the needs of grantees and potential grantees, particularly Indian and Alaska Native potential discretionary grantees.

4. The Secretary of Education should conduct an evaluation of the Indian Fellowship Program and report on number of applicants funded, tribes of the applicants, levels of funding, and number of applicants not funded. A survey of the professional needs in Indian affairs should be conducted to highlight potential new areas of fellowship activity.

5. The Secretary of Education should conduct a review of all grant-in-aid programs in the Department of Education under which local educational agencies receive funding to ensure that Indian Education Act funds are not being used to supplant other federal funds.

6. There should be increased cooperation between the Department of Education, Office of Indian Education, and the National Advisory Council on Indian Education, especially with respect to policy development, regulations, and other items related to administration of programs in which Indian children or adults participate or from which they can benefit.

7. The President should call the White House Conference on Indian Education, and the Congress should appropriate for fiscal year 1991, to remain available until expended, the sum of $500,000 to be used with the funds appropriated in fiscal year 1990 to carry out the necessary planning of the Conference and $1.5 million in fiscal year 1992 to conduct the Conference and any associated preconferences.

8. The Congress should enact an amendment to Part E, Title V, Public Law 100-297, to extend to September 30, 1992, the date by which the White House Conference on Indian Education must be held to allow the necessary planning for this most important and comprehensive event.

9. The Advisory Committee and the Interagency Task Force for the White House Conference on Indian Education should be appointed as soon as possible so that the planning for the national Conference and any necessary preconferences may begin.

10. The National Advisory Council on Indian Education, the Indian Nations At Risk Task Force established by the Secretary of Education, and the Bureau of Indian Affairs should be required to cooperate with the Interagency Task Force for the White House Conference to share information and results of any studies, hearings, or education consultations, so that the work of these aforementioned entities can feed into the information gathering and synthesizing efforts of the Conference.

11. Since the Congress has acknowledged in Public Law 100-297 that "the Government of the United States has a special relationship with the Indians which has given rise to a responsibility to assure superior educational opportunities for all Indians," the Congress and/or the Secretary of Education should direct the National Center for Education Statistics to provide statistical information on Indians and Alaska Natives in any published report which provides such information by ethnicity and to collect such information by oversampling, or by whatever sampling method is appropriate, to produce reliable estimates on Indians and Alaska Natives.

12. The Congress and/or the Secretary of the Interior and Secretary of Education should require the Bureau of Indian Affairs and the National Center for Education Statistics to include the children in BIA-funded schools in any national longitudinal or other study as well as in any published report which provides educational information by ethnicity.

13. The Congress should forward fund all Bureau of Indian Affairs education programs so that tribes, Alaska Native villages and corporations, tribal elementary and secondary schools, tribal colleges, local educational agencies as contractors for Johnson-O'Malley funds, and others can better plan their educational activities.

14. For Bureau of Indian Affairs teachers and administrators and teachers and administrators in all school districts which receive Indian Education Act, Impact Aid, or Johnson-O'Malley funding, there should be established a mandatory in-service teacher training program, for which the teachers/administrators will receive continuing education credits, which will provide them with training on cultural differences from a positive perspective to facilitate a better understanding of the behaviors and learning styles of Indian and Alaska Native children and an appreciation of their backgrounds and the contributions of their people to this country. The training program should also share effective programs and practices in educating Indian and Alaska Native students.

15. The Department of Education should strictly enforce the provisions of the Impact Aid law which require Indian policies and procedures to be in place in each school district and active consultation and involvement by Indian tribes and parents in the planning and development of programs for their children. There should be a resolution by the Congress indicating that the federal payments under the Impact Aid Program to districts counting students who reside on Indian lands are in lieu of and represent the tax payments of the Indian tribe, since the tribe made the payment many years ago with the ceding of lands. The school districts should never be able to think that Indians do not pay property taxes and that, consequently, LEAs do not have to be as responsive to them as they are to other taxpayers.

16. The Department of Education should provide technical assistance to Indian tribes and Alaska Native villages regarding the rights of tribes, villages, and Indian/Alaska Native parents to be involved in the education of their children in schools receiving Impact Aid funds as prescribed in policies and procedures required by the statute and regulations.

17. The Congress should amend Public Law 81-815 to provide a 125 percent funding priority (multiply priority index by 1.25) for construction funds in the Impact Aid Program for schools serving children who reside on Indian lands comparable to the 125 percent entitlement for operational funds under Public Law 81-874.

18. Funding should be available under Public Law 81-815, as amended, for replacement of facilities serving children living on Indian lands as well as for initial construction. In addition, there should be provisions for emergency construction without having to wait for the regular application cycle to cover loss from fire or other destruction (not including major disaster declared by the President, for which there is already authority).

19. All federal education statutes should be amended to include Indian tribes, tribal organizations, Alaska Native villages, or Alaska Native corporations in the definition of "local educational agency (LEA)" in those cases where the exclusion from such definition would result in children attending tribal or BIA schools and Indian citizens living on reservations or Alaska Natives being denied access to the same discretionary and formula grant programs that serve other Americans.

20. The income eligibility requirement should be waived for Head Start and other preschool programs in remote areas where such programs are the only preschool programs available for Indians and Alaska Natives.

21. The Congress should provide a stable and ongoing fund for construction of tribal elementary and secondary schools and tribal colleges to ensure that the construction and renovation needs of all such current schools are met by fiscal year 2000 with a phase-in of any newly established schools or colleges into the program.

22. The tribal colleges should be funded at a minimum of $3,100 per full-time equivalent student, which was the per pupil expenditure in fiscal year 1981.

23. The Tribally Controlled Community College Assistance Act should be reauthorized in accordance with the recommendations of the American Indian Higher Education Consortium.

24. In order to treat tribal colleges fairly and provide them at least the same opportunities as other predominantly minority schools, there should be a special legislative effort and a White House initiative on tribal colleges similar to the efforts put forth for historically black colleges.

25. The Congress should amend the Adult Education Act to provide a two-percent set aside for adult education programs for Indians and Alaska Natives.

26. The Congress should require the Bureau of Indian Affairs to remove from the Indian Priority System both the adult education program and the higher education (scholarship) program, so that the tribes do not have to prioritize education programs against other tribal government services, such as law enforcement.

27. The adult education budgets for both the Office of Indian Education and the Bureau of Indian Affairs should be doubled (to $14,976,000 in fiscal year 1991).

28. The Bureau of Indian Affairs should never again be granted a waiver by the Congress to avoid the matching requirement for funds for Indian tribes and Alaska Native villages under the Carl D. Perkins Vocational Education Act.

29. The Congress should pass legislation requiring a national assessment of the adult education and vocational education needs of Indian and Alaska Native people.

30. There should be established a national technical assistance center for Indian and Alaska Native adult education.

31. The Congress should pass legislation requiring a national assessment of the professional development needs of Indian and Alaska Native people, given their economic development plans, tribal government needs, health professional needs, and teacher needs, for the purpose of determining priority fields of study for scholarship and fellowship programs, particularly at the graduate and professional level, and matching graduates back to jobs available in Indian and Alaska Native communities.

32. The scholarship/fellowship budgets for the Bureau of Indian Affairs, the Indian Health Service, and the Office of Indian Education should be doubled (to $74,762,000 in fiscal year 1991).

33. The other agencies of government establishing programs or policies affecting the education of Indian and Alaska Native people should be required to inform the National Advisory Council on Indian Education, the Office of Indian Education at the Department of Education, and the Office of Indian Education Programs at the Bureau of Indian Affairs to facilitate exchange of information and coordination of efforts to meet the educational needs of this population.

34. State educational agencies (SEAs) with more than five Indian Education Act formula grantees should receive funding for a state Indian education office to assist in the monitoring of and technical assistance to formula grantees; to interact with other programs to assist in ensuring against supplanting state and other federal funds with Indian Education Act funds; to interface with state-administered programs, such as adult education and vocational education, to assure that Indians and Alaska Natives are included in the state plans; and to serve as educational resources to Indian and Alaska Native communities.

35. The Congress should amend the Indian Education Act to allow new formula grantees under subpart 1.

36. The Department of Education should develop strategies for ensuring that LEAs concentrate efforts to successfully meet the original intent of the Indian Education Act to utilize grant funds to develop the appropriate methods and activities to address the special educational and culturally-related academic needs of Indian and Alaska Native children and then integrate these methods and activities into the school system. The Department should also assess how LEAs may become more effective at addressing Indian/Alaska Native student needs not as Indian education problems but as local education concerns that warrant unique and specialized approaches.

37. The Department of Education should evaluate the effectiveness of Indian Education Act formula grant projects and require formula grantees to seek technical assistance as needed from the Resource and Evaluation Centers rather than the current practice of technical assistance to grantees only upon their request. Often those formula grantees who need assistance most do not request it.

38. The Department of Education and the Bureau of Indian Affairs should maintain a working group to work out problems which may develop with eligibility of BIA and tribal schools for Department of Education programs; to develop collaborative working relationships for staff training, sharing of and collecting information, and participation in joint studies regarding Indian and Alaska Native students; and to resolve any regulatory obstacles for BIA schools now administering Indian Education Act formula grant or other programs, such as hiring of project personnel, supply and equipment procurements, and student count form management.

39. The Office of Indian Education should have application packages for each grant program and for Indian fellowships prepared and available to allow at least three months from the application availability date to the application closing date. To ensure appropriate notice and availability, application packages for formula grants should automatically be mailed to all prior year grantees immediately upon receipt from the printer. Likewise, application packages for Indian-controlled schools discretionary grants should be automatically mailed to all eligible tribal schools. Notice of the availability of application packages for all other discretionary grants and Indian fellowships should be mailed to all federally recognized, terminated, and state recognized Indian tribes, Alaska Native villages, urban and rural nonreservation Indian organizations, tribal schools, tribal colleges, resource and evaluation centers, and other interested parties. The National Advisory Council on Indian Education will share its mailing list to accomplish adequate notice and distribution of application packages.

40. Federal agencies should work cooperatively to address the socioeconomic impediments to educating Indian and Alaska Native people to their full potential, including addressing the health, housing, nutrition, substance abuse, family violence, and other problems which affect the whole child and the whole adult person in reaching his/her educational goals.

41. In order to better assess the achievement of Indian and Alaska Native elementary and secondary students, the Congress should direct the National Advisory Council on Indian Education, the National Center for Education Statistics, the Office of Indian Education at the Department of Education, the Office of Indian Education Programs at the Bureau of Indian Affairs, state education agency representatives, and other appropriate parties to jointly determine and report back to appropriate committees of the Congress the achievement data to require of Indian Education Act formula grantees. The Congress should then amend the Indian Education Act to require collection and reporting of such data by formula grantees as a condition of the grant award.

42. The Congress should require all federal agencies to publish in the **Federal Register** proposed rulemaking or final rules as an amendment in the nature of a substitute, with narrative explanation of changes from any previous regulations, so that the American public can readily determine how the regulations will actually read with such changes.

APPENDICES

APPENDIX A

DATES AND PLACES OF MEETINGS

1988

November 14, 1988
Executive Committee Meeting (Closed meeting)
Tulsa, Oklahoma

The Committee discussed the final interview and selection process of candidates for the position of Executive Director of the National Advisory Council on Indian Education.

November 16, 1988

Full Council Meeting (Closed meeting)
Tulsa, Oklahoma

The full Council interviewed candidates for the position of Executive Director and selected Ms. Jo Jo Hunt.

November 13-16, 1988
Full Council Meeting (Partially closed meeting)
Tulsa, Oklahoma

On November 13, 1988, the National Advisory Council on Indian Education, in conjunction with the National Indian Education Association (NIEA), held a round-table discussion with about 30 other representatives of Indian education organizations at the 20th Annual NIEA Conference. In addition to attending the conference, the Council also held a general business meeting and, as a new activity, held a youth initiative meeting with about 10 Indian leaders to discuss the problems and needs of Indian and Alaska Native young people. The standing committees of the Council had an opportunity to meet during the conference, and each committee discussed setting goals, listing objectives, and assigning duties.

November 13-16, 1988, continued

1989

January 17-19, 1989
Full Council Meeting (Open meeting)
Bethesda, Maryland

This, the second full Council meeting of the fiscal year, began with a morning Issues Session during which the Council Members had open discussion with Indian educators, representatives of Indian tribes and organizations, and other interested individuals to identify problems in Indian education and discuss solutions. On the second day of the meeting, representatives of OIE, BIA Education, and the Indian Health Scholarship Program provided updates on their programs. Congressional staff reported on the Indian education legislative agenda. The Council's standing committees held working sessions and reported back to the full Council. The relationship between the Council and the Department of Education and the reorganization of the Office of Indian Education with the implementation of Indian preference were of particular concern. In addition, Members discussed the Council's advocacy role.

April 3-4, 1989
Proposal Review Committee Meeting (Closed meeting)
Washington, DC

The duly constituted Proposal Review Committee met to review the grant applications for discretionary awards under the programs authorized by subparts 1, 2, and 3 of the Indian Education Act, including applications for discretionary grants to Indian-controlled schools; planning, pilot, and demonstration projects; educational personnel development projects; educational services for Indian children projects; educational services for Indian adults; and Indian fellowships. The Council subsequently submitted recommendations to the Secretary of Education regarding approval of applications for funding. The Acting Assistant Secretary for Elementary and Secondary Education responded to the Council's recommendations.

May 22, 1989
Executive Committee Meeting (Closed meeting)
Washington, DC

The Executive Committee met as the Council's Search Committee to review the selection process for the position of Director, Office of Indian Education, Department of Education.

May 23-24, 1989
Full Council Meeting (Partially closed meeting)
Washington, DC

On May 23, 1989, the full Council met in closed session for the purpose of interviewing the six

May 23, 1989, continued

candidates for the position of Director of of the Office of Indian Education. The Council Members subsequently discussed the candidates and developed a rank-ordered list of nominees to be submitted to the Secretary. On May 24, 1989, the Council conducted a general business meeting, including discussion of the Council's expansion of its scope of activities to include programs in all departments which affect or may affect the education of Indian and Alaska Native people. While it was felt that this has always been the mandate of the Council, it is clear that the numbers of programs in other departments have grown tremendously since the beginning of the Council in 1973.

August 3-4, 1989
Executive Committee Meeting (Open meeting)
San Diego, California

The Committee met and discussed the White House Conference on Indian Education and the the lack of a selection by the Secretary of Education for the position of Director, Office of Indian Education. The Committee also planned the agenda for the next full Council meeting to be held in Anchorage, Alaska, to coincide with the 21st Annual Conference of the National Indian Education Association. The performance appraisal system for all Council full-time staff was also discussed and approved.

APPENDIX B

LIST OF FELLOWSHIP RECIPIENTS

The following individuals are the recipients of fiscal year 1989 Indian Education Act fellowships, as awarded by field of study:

BUSINESS

New Awards

Jeffrey Johnson
Patricia Mabe
Charles Mounts
Caroline Sellars
Andrew Seymour

Continuation Awards

Vernon Brown
Eugene Cam
Catherine Cichosz
Melanie Fourkiller
Faith H. Jacob
Stephen M. Red Elk
Sarah T. Stratton

CLINICAL PSYCHOLOGY

New Awards

Jessiline Anderson
Priscilla Day

Continuation Awards

Alberta A. Arviso
Rebecca R. Crawford
Carol A. Hoogenboom
Richard Revard
Darlene Wood

EDUCATION

New Awards

Mary Brayboy
Ronalda Cadiente
Yvonne David
Delores Dunning
Jonathan Reeder
Ermina Ruhf
Clayton Small
Alyce Spotted Bear
Ramona Tecumseh

Continuation Awards

Leesta Bentley
Lila F. Bird
Nelson Blaine
Gretchen Freed-Rowland
Karen M. Halbritter
Shirley Kendall
Frank M. Laber
Robert D. Mondragon
John J. Peregoy
Steven Small
Francis Steindorf

ENGINEERING

New Awards

Crystal Bond

APPENDIX B

LIST OF FELLOWSHIP RECIPIENTS, continued

ENGINEERING, continued

Necia Brayboy
George Franklet
Thomas Jacks
Tom Mayotte
Darren Simpson
Fredie Zachary

Continuation Awards

Janna M. Azure
William P. Cummings
Anthony G. Falcone
Steven J. Horn
Zachary La Batte
Bryan C. Locklear
Bradley T. Lynch
Brian K. Rogers
Paris Rutherford
William E. Taylor, Jr.
Madonna C. Yawakie

LAW

New Awards

Arthur Halbritter
Sally James
James Kawahara
John La Velle
Rose Parish
Wayne Scheeler
Matthew Thornton

LAW, continued

Continuation Awards

Ronald P. Andrade
Toni L. Goodin
Mickael T. Hembree
Tamsen Holm
Jolanda E. Ingram
Heather Kendall
Tina M. Kuckkahn
Paula R. Lee
Francina G. Lewis
Stephen J. Moss
Susanne Roubidoux
Troy M. Woodward

MEDICINE

New Awards

Alan Bentz
Vernon Chee
Jessica Doney
Kimberly Draper
Laurie Fox
Mary Hoover
Elaine Martel
Rex Quaempts

Continuation Awards

Stacy D. Abeyta
Linda S. Aranaydo
Charlene Avery
Doyle D. Bender

APPENDIX B

LIST OF FELLOWSHIP RECIPIENTS, continued

MEDICINE, continued

Clay Campbell
Tammie A. Chavis
David J. Gayton
Brett A. Koplin
Glenn C. Middleton
Nancy F. Sandoval
Brian W. Thompson
Kathryn Ann Wallace
Paula A. West
Lisa Joyce Yankton

NATURAL RESOURCES

New Awards
Candice Anderson
Christine Chouteau
Phoebe Mills
Monica Mueller
Amanda Speicher

Continuation Awards
Daniel D. Belcourt
Christine J. Benally
Benjamin Cunningham, Jr.
Eddie John Previtte III
Roylene Rides At The Door
Tardie Lee Roupe
Wenonah E. Skye

PSYCHOLOGY

New Awards
Sandra Bigelow

PSYCHOLOGY, continued

Mary Coolidge
Roger Fields
Jeannette Haynes
Chris Oliver
Donna Powless
William Rogers

Continuation Awards
Robert C. Brisbois
Georgia A. Masayesva
Jeffrey A. Mowrer
Lisa M. Savage
Barbara Starr
Iva W. Trottier

APPENDIX C

SECONDARY SCHOOL RECOGNITION PROGRAM, U.S. DEPARTMENT OF EDUCATION

In fiscal year 1989, the U.S. Department of Education announced the names of 218 public and private secondary schools selected for national recognition in the 1988-89 Secondary School Recognition Program. Selections were made from over 650 middle, junior high, and senior high schools, nominated by state departments of education and the Bureau of Indian Affairs (BIA). One BIA school was selected for national recognition. The Cherokee Central School in Cherokee, North Carolina, was selected by the Department of Education as an exemplary program. For more information on the school, please contact:

Dr. George J. Doering
Cherokee Central School
Cherokee, North Carolina 28719
(704/497-5511)

APPENDIX D

PROGRAMS BENEFITING INDIAN/ALASKA NATIVE STUDENTS IN FISCAL YEAR 1989

U.S. DEPARTMENT OF EDUCATION

Elementary and Secondary Education	
Indian Education Act	$ 71,544,742*
Impact Aid - Maintenance & Operations	239,355,638
Impact Aid - Construction	7,681,000
Adult and Vocational Education	
Vocational Education Set-Aside	10,808,990
Special Education and Rehabilitation Services	
Vocational Rehabilitation Set-Aside	3,625,000
Postsecondary Education	
Minority Science Improvement Program	548,523
Institutional Aid	2,401,904
Bilingual Education	11,286,180
Educational Research and Improvement	
Library Services for Tribes	2,448,700
TOTAL:	$349,700,677

Operated by BIA but funded through Education Department

Chapter 1 Set-Aside	$ 25,217,025
Education of the Handicapped Set-Aside	18,286,876
Math and Science Set-Aside	598,375
Drug-Free Schools & Communities Set-Aside	3,475,000
TOTAL:	$ 47,577,276

BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

School Operations	
ISEP (Formula & Adjustments)	$164,290,000
Institutionalized Handicapped	1,428,000
School Boards (Expenses & Training)	1,235,000
Student Transportation	11,918,000
Solo Parent	108,000
Technical Support (Agency & MIS)	8,807,000
Substance/Alcohol Abuse Counselors	2,391,000
Johnson-O'Malley	23,000,000
Continuing Education	
Postsecondary Schools	11,556,000
Special Higher Education Scholarships	1,960,000
Tribally Controlled Comm. Colleges (Operations & Endowment)	12,968,000
Tribe/Agency Operations	
Scholarships	28,476,000
Tribal Colleges Snyder Act Supplement	932,000
Adult Education	3,138,000
TOTAL:	$272,207,000

OTHER PROGRAMS

Office of Construction (Interior)	$ 33,650,000
Indian Health Service Scholarship Program	7,896,000
Head Start (Health & Human Services)	41,773,791
Institute of American Indian Arts	3,093,000
TOTAL:	$ 86,412,791
GRAND TOTAL:	**$755,897,744**

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*This total and the grand total reflects the funds obligated as reported by the Office of Indian Education. The total appropriation for the Indian Education Act programs and administration was $71,553,000 for fiscal year 1989.

APPENDIX D Profiles of Programs Benefiting Indian/Alaska Native Students in Fiscal Year 1989

PROGRAM	FY 1989 BUDGET # OF STUDENTS	ISSUES IN FISCAL YEAR 1989
Dr. John W. Tippeconnic III Office of Indian Education Office of Elementary & Secondary Ed. U.S. Department of Education 400 Maryland Avenue SW., Room 2177 Washington, DC 20202-6138 202-401-1887	Total: $71,544,742 Number programs 1,398 Subpart 1 $49,239,742 Sbpt 1-ICS $ 3,500,000 Subpart 2 $12,307,000 Subpart 3 $ 4,000,000 Admin. $ 2,498,000 Students Total 375,849 Subpart 1 348,333 Subpart 1-ICS 5,949 Subpart 2 14,243 Fellowships 124 Subpart 3 7,200	● BIA schools are eligible, as local educational agencies, for subpart 1 grants in fiscal year 1989. ● New gifted and talented pilot program is funded for fiscal year 1989 for one project. ● Indian preference in OIE being implemented. ● Received 678 applications for fellowship program; funded 73 continuation fellowships and 51 new fellowships in fiscal year 1989. ● Subpart 1 is formula grants; subpart 1 ICS is discretionary grants to Indian-controlled schools; subpart 2 is for Indian children and resource and evaluation centers; and subpart 3 is for Indian adults.
Charles E. Hansen, Director Impact Aid Program U.S. Department of Education 400 Maryland Avenue SW., Room 2077 Washington, DC 20202-6244 202-401-3637	P.L. 81-874, Sec. 3: $ 239,355,638 Payments to local educational agencies (LEAs) providing a free public education to children who reside on Indian lands No. of students: 109,347 (computed as "average daily attendance")	● P.L. 81-874, Section 3, provides for assistance to LEAs providing a free public education to children who reside on Indian lands or with a parent who resides on or works on federal property or is on active duty in the uniformed services. Pursuant to section 5(b)(3) of the law and the regulations found at 34 CFR 223, an LEA claiming assistance for Indian lands children must have a set of Indian policies and procedures providing tribal leaders and parents of Indian/Alaska Native children with opportunities to comment on and participate in the educational programs.
Willia Patterson Impact Aid - Construction U.S. Department of Education 400 Maryland Avenue SW., Room 2117 Washington, DC 20202-6244 202-401-16163	P.L. 81-815 To be obligated $ 7,681,000 No. of projects: 3	● Direct grants to school districts serving children who reside on Indian lands for construction or renovation of school facilities. ● $4,175,000 was carried over from fiscal year 1989 to fiscal year 1990.

APPENDIX D Profiles of Programs Benefiting Indian/Alaska Native Students in Fiscal Year 1989, continued

PROGRAM	FY 1989 BUDGET # OF STUDENTS	ISSUES IN FISCAL YEAR 1989
Harvey G. Thiel & Karen R. Suagee Indian Vocational Education Program Office of Adult and Vocational Ed. U.S. Department of Education 330 "C" Street SW., Room 4512 Washington, DC 20202-7242 202-732-2380	1.25% set-aside $ 10,808,990 Projects funded 40 Indians served Approximately 2,300	● Congress was still considering reauthorization of the Carl D. Perkins Vocational Education Act in fiscal year 1989. ● Competitive grant program to serve federally recognized tribes and Alaska Native villages with 35 continuations and 5 new grants for a total of only 40 projects. Clearly need to better access the state-administered vocational programs.
Edward Hofler Indian Tribes & Organizations Prog. Vocational Rehabilitation U.S. Department of Education 400 Maryland Avenue SW. (Room 3318, Switzer Building) Washington, DC 20202-2650 202-732-1332	0.25 % set-aside $ 3,625,000 No. of clients: About 3,000 in 14 projects (8 new/6 continuation)	● State grants and set-aside service grants to tribes to provide vocational rehabilitation services to handicapped clients. ● This program is authorized by Part D, Section 130, Rehabilitation Act of 1973, as amended. The Act was most recently amended by P.L. 99-506 and P.L. 100-630 and is to be considered for reauthorization by 1991.
Dr. Argelia Velez-Rodriguez Minority Science Improvement Program Office of Postsecondary Education 7th & "D" Streets SW., Room 3022 Washington, DC 20202-5339 202-708-9996	$ 548,523 No. of students: 1,239 students in 7 institutions	● Discretionary grants to improve science and engineering education programs; total funds reflect amounts going to predominantly Indian institutions.
Dr. Louis J. Venuto Institutional Aid U.S. Department of Education 400 Maryland Avenue SW. Room 3042, ROB-3 Washington, DC 20202-5335 202-708-8839	$ 2,401,904 No. of institutions: 10	● Discretionary grants to develop institutional self-sufficiency; total funds reflect amounts going to predominantly Indian institutions.

APPENDIX D Profiles of Programs Benefiting Indian/Alaska Native Students in Fiscal Year 1989, continued

PROGRAM	FY 1989 BUDGET # OF STUDENTS SERVED	ISSUES IN FISCAL YEAR 1989
D'Alan Huff, Ed. Program Officer Division of State & Local Programs Office of Bilingual Education U.S. Department of Education 330 "C" Street SW., Room 5609 Washington, DC 20202-6510 202-732-5700	Indian Exclusive $ 11,286,180 No. of students: 15,392 (94 programs in 18 states) Indian included but not exclusive: $ 3,392,231 No. of students: 2,255 (22 programs in 9 states)	• Fiscal year 1989 awards are continuation grants. Fiscal year 1987 was the first year of the three- to five-year grants. • Need more Indian staff on the national level due to the large Indian population that is served. • In addition to the Division of State and Local Programs, Indian students also benefited from OBEMLA's Division of National Programs. In 1989, these programs were: Academic Excellence Program $ 379,530 (2 projects) Family English Literacy Program $ 644,116 (5 projects) Special Populations Program $ 1,322,200 (10 projects serving 1,618 limited English proficient students) Short-Term Training Program $ 169,483 (2 projects)
Beth Fine Library Services for Indian Tribes U.S. Department of Education 555 New Jersey Avenue NW. Washington, DC 20208-5571 202-357-6323	Total $ 2,448,700 Indian Tribes $ 1,836,525 Basic (159 Grants) $ 598,090 Special (17 Grants) $ 1,238,435 Hawaiian (1 Grant) $ 612,175	• Direct grants to federally recognized Indian tribes and Alaska Native villages for the provision of public library services. • Library Services and Construction Act reauthorized in fiscal year 1990.
Sharon Lynn Chapter 1 Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-6364	1% Set-Aside $ 25,217,025 No. of students: 16,604	• For use at BIA-operated and tribal schools, this program provides compensatory (supplemental) education services to disadvantaged children.

APPENDIX D Profiles of Programs Benefiting Indian/Alaska Native Students in Fiscal Year 1989, continued

PROGRAM	FY 1989 BUDGET # OF STUDENTS	ISSUES IN FISCAL YEAR 1989
Goodwin K. Cobb III Education of the Handicapped Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-6675	P.L. 94-142 1.25% Set-Aside $ 18,286,876 No. of students: 6,762	• Provides supplemental funding for special education and related services to handicapped Indian/Alaska Native children ages 0-21 years. • Includes funds from Program for Infants & Toddlers with Handicaps - Part H of the Education for the Handicapped Program.
Bill Mehojah Math & Science Education Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW., Room 3512 MS 3516-MIB Code 500 Washington, DC 20245 202-208-1190	0.5% Set-Aside $ 598,375	• Provides training for math and science teachers.
Bill Mehojah Drug-Free Schools & Communities Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW., Room 3512 MS 3516-MIB Code 500 Washington, DC 20245 202-208-1190	1% Set-Aside $ 3,475,000	• For alcohol and drug abuse prevention program for children served by the BIA.
Dennis Fox ISEP (Formula & Adjustments) Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-7387	$164,290,000* No. of students: 39,381 in 23 states BIA-operated 27,197 Tribal schools 12,184 * includes FERS	• In fiscal year 1990, the BIA will operate, either directly or by contracts with or grants to tribes, about 166 elementary and secondary schools and 14 dormitories. • In fiscal 1989, 40 percent of all BIA-funded schools were operated by tribes under contract or through grants, and 7 schools were operated under formal cooperative agreements with public schools.

PROGRAM	FY 1989 BUDGET # OF STUDENTS	ISSUES IN FISCAL YEAR 1989
Goodwin K. Cobb III Institutionalized Handicapped Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-6675	P.L. 91-142 $ 1,428,000 No. of students: 147	• Program typically provides education and related services to severely handicapped and mentally fragile children between the ages of 5 to 21 years. • Children are served in 25 private facilities, 2 tribal institutions, and 3 state institutions.
Bill Mehojah School Boards Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-1190	$ 1,235,000	• To facilitate Indian control of all matters relating to education, P.L. 95-561 directed Indian school boards be involved in local educational planning and decisionmaking. • Fiscal year 1989 money went for school board expenses for: (1) travel, per diem, stipends, and other costs for meetings; (2) fees for membership in school board associations; and (3) legal fees. • Fiscal year 1990 funds for school boards were transferred to ISEP formula in accordance with P.L. 100-297, which authorizes a set-aside rather than direct funding.
Dr. Dennis Fox Student Transportation Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-7387	$ 11,918,000	• Funding includes service costs for vehicle operators, GSA vehicle rental, supplies and equipment, maintenance, and repair and other support costs.

APPENDIX D Profiles of Programs Benefiting Indian/Alaska Native Students in Fiscal Year 1989, continued

PROGRAM	FY 1989 BUDGET # OF STUDENTS	ISSUES IN FISCAL YEAR 1989
Dr. Dennis Fox Solo Parent Program Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-7387	$ 108,000	• Operated at Sherman Indian School and Flandreau Indian School to provide single parents the opportunity to complete their high school educations while living at the school with their children.
Dr. Dennis Fox Technical Support Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-7387	Total $ 8,807,000 Area/Agency Office $ 8,423,000 MIS $ 384,000	• Includes educational Management Information System (MIS) activities; field level staff assistance to the Director, Office of Indian Education Programs; and broad technical assistance and leadership for all education programs to local school boards, other tribal members, parents, and other Indian citizens.
Bill Mehojah Substance/Alcohol Abuse Education Program Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. MS 3516-MIB Code 500 Washington, DC 20245 202-208-1190	$ 2,391,000	• Under P.L. 99-570, all schools funded by the BIA are required to provide a program of instruction relating to alcohol and substance abuse prevention and treatment. • In fiscal year 1989, the BIA expanded this program with other substance abuse funding from the Department of Education to include a health promotion and disease prevention program and an AIDS program. • Funds are used by counselors and staff.
Bill Mehojah Johnson-O'Malley Program Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. Washington, DC 20245 202-208-1190	$ 23,000,000 No. of students: 205,705 in 306 contracts	• Provides funding for supplemental education programs for eligible Indian/Alaska Native children in public schools and programs for three and four-year-old children to meet their special needs as determined by contractors and local Indian education committees. • P.L. 100-446 requires that a new formula be phased in over three years beginning with all states receiving a minimum weight factor of 1.1 in fiscal year 1989, 1.2 in 1990, and 1.3 in 1991.

APPENDIX D Profiles of Programs Benefiting Indian/Alaska Native Students in Fiscal Year 1989, continued

PROGRAM	FY 1989 BUDGET # OF STUDENTS	ISSUES IN FISCAL YEAR 1989
Dr. Jim Martin Postsecondary Schools Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. Washington, DC 20245 202-208-7388	$ 11,556,000 No. of students: Haskell ($7,503,000) Fall 756/Spring 689 SIPI ($4,053,000) Fall 465/Spring 480	● The Institute of American Indian Arts (IAIA) severed ties with the BIA in 1988, as provided in P.L. 99-498, which was signed in October 1986. Thus, the fiscal year 1989 appropriation for postsecondary schools did not include IAIA.
Reggie Rodriguez Special Higher Ed. Scholarships Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. Washington, DC 20245 202-208-4871	Total $ 1,960,000 Amer. Ind. Scholar. $ 1,800,000 Students served: 285 UNM Summer Law Program $ 160,000 Students served: 61	● Fiscal year 1989 program includes Summer Law Program. ● In fiscal year 1989, only applicants in the priority fields of study were eligible for funding. ● Received 561 applications in fiscal year 1989.
Reggie Rodriguez Tribally Controlled Comm. Colleges Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. Washington, DC 20245 202-208-4871	Total $ 12,968,000 Operating Costs Title I $8,489,000 Title II $4,113,000 Tech/Asst $ 116,000 Endowment (PL 99-428) $ 250,000	● Twenty-one colleges were served in fiscal year 1989; 22 colleges are being served in fiscal year 1990. ● The Tribally Controlled Community College Assistance Act authorizes this program (P.L. 98-192, as amended). Title I funds all colleges except Navajo Community College. Title II funds are only for the Navajo Community College.
Reggie Rodriguez Scholarships (Higher Ed. Program) Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. Washington, DC 20245 202-208-4871	$ 28,476,000	● Education staff at the area and agency offices provide supervision for this program. This undergraduate scholarship program is contracted out to tribes or may be administered at the agency level.

PROGRAM	FY 1989 BUDGET # OF STUDENTS	ISSUES IN FISCAL YEAR 1989
Reggie Rodriguez Tribal Colleges Snyder Act Supp. Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. Washington, DC 20245 202-208-4871	$ 932,000	• Some tribes choose to supplement grants under P.L. 98-192 with funds available through the Indian Priority System. This supplemental appropriation is made pursuant to the general authority in the Snyder Act (P.L. 67-85; 25 USC 13).
Reggie Rodriguez Adult Education Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW. Washington, DC 20245 202-208-4871	$ 3,138,000 No. of students: 12,500 in 88 programs	• Provides educational opportunities and learning experiences to enable adult Indians/Alaska Natives to complete high school graduation requirements, acquire basic literacy skills, and gain new skills and knowledge.
Yemia Kiamichi Institute of American Indian Arts Campus of College of Santa Fe St. Michael's Drive Box 20007 Santa Fe, NM 87504 505-988-6603	$ 3,093,000 No. of students: 160	• IAIA, having successfully completed transition of separation from the BIA, has secured a site for a new campus and a building for the museum. Meeting its Congressional mandate, it has implemented several new programs and courses and has increased student enrollment substantially. • IAIA will receive $4,135,000 in fiscal year 1990. • IAIA is federally chartered as the Institute of American Indian and Alaska Native Culture and Arts Development.
Arthur Love Office of Construction Management U.S. Department of the Interior 18th & "C" Streets NW., Room 2415 Washington, DC 20245 202-208-3403	Total $ 33,650,000 Education Projects $ 9,190,000 Planning & Design $ 500,000 Improvement $ 23,960,000	• New school construction is based on established ranking process published in the **Federal Register**. Repair and Improvement Program is based on priority ranked input from BIA area offices.

PROGRAM	FY 1989 BUDGET # OF STUDENTS	ISSUES IN FISCAL YEAR 1989
Bill Mehojah Star Schools Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets NW., Room 3512 MS 3512-MIB Code 500 Washington, DC 20245 202-208-4072	$ 5,700,000* 1 project serves 16 sites. *Amount is not included in 1989 grand total because it is second year of an award counted in fiscal year 1988 grand total.	• This program is in its second year of a two-year award. The grant awarded by the Department of Education to TI-IN United Star Network of San Antonio, Texas, enabled the network to provide 16 BIA schools with direct student instruction and teacher training in the subject areas of mathematics, foreign languages, and sciences via satellite.
Wes Picciotti, Acting Chief Scholarship Program Indian Health Service Twinbrook Metro Plaza Bldg. #100 12300 Twinbrook Parkway Rockville, MD 20852 301-443-6197	Entire Program $ 7,896,000 Section 102 $ 625,000 Section 103 $ 2,119,000 Section 104 $ 4,058,000 Section 105 $ 1,094,000	• Out of 1,000 applications received, the IHS Scholarship Program could only make 178 new awards because of limited funds; there were 242 continuation awards. • Placement of graduates without Indian preference should be resolved; mandatory placement process is being considered.
Lee Fields, Acting Chief American Indian Programs Branch Project Head Start Department of Health & Human Services 330 "C" Street SW., Room 2229 Washington, DC 20013 202-245-0569	$ 41,773,791 Tribal Organizations: 106 Children served: 14,202	• Eligibility requirements: must meet family income guidelines, which vary according to number in household. • Must be from a federally recognized Indian tribe or Alaska Native village to participate in a project funded by the Indian Headstart Program.

APPENDIX E

OUTSTANDING INDIAN/ALASKA NATIVE YOUTH PROGRAM

In June 1988, the School Quality Control Committee of the National Advisory Council on Indian Education announced the **National Leadership and Achievement Program for Outstanding Alaska Native and American Indian Youth 1988** to recognize and honor Indian/Alaska Native youth. This program was an effort of the Council to participate in the American Indian and Alaska Native Youth 2000 Program of the Intra-Departmental Council on Indian Affairs, U.S. Department of Health and Human Services. Youth 2000 is a nationwide effort to enlist all sectors of the American Indian and Alaska Native community in helping youth achieve social and economic self-sufficiency.

On July 5, 1989, the Council announced the winners of the program. The four national winners were Nicole Gaye Stern of Tucson, Arizona; Tim D. Wilcox of Winslow, Arizona; Nora Jean Dial of Winston-Salem, North Carolina; and Sean Hayden Snell of Tahlequah, Oklahoma. Albert S. Bowie of San Juan Pueblo, New Mexico, received the acknowledgment of "Honorable Mention" in the national competition. The four national winners each received a national winner certificate and a $200 cash award, and the honorable mention recipient received a certificate and a $100 cash award. All nominated Indian youth received a certificate of achievement.

The Gould Foundation for Children and two individuals donated the money for the national cash awards. The Association on American Indian Affairs (AAIA) accepted the donations and provided checks for the winners. The Council very gratefully acknowledges the assistance of the Gould Foundation and AAIA in this most exciting effort on behalf of very worthy young people.

Ranking factors were used in scoring the applications. One could receive as many as 45 points for academic record based on school transcripts; 20 points for education commitment statement written by the applicant based on content and writing ability; and 35 points for youth accomplishments based on letters of recommendation, school awards, school participation, extracurricular activities and volunteer work, special honors and/or awards, and special consideration of employment/family/handicaps. A brief profile of each national winner follows:

> Nicole Gaye Stern (Mescalero Apache): Nicole graduated first in her class of 293 from Catalina High School in Tucson, Arizona, in 1988. She maintained a grade point average of 4.0 throughout high school while lettering in 5 sports and participating in band and several clubs. She also was a junior volunteer at Tucson Medical Center and was named 1988 Tucson Citizen Student-Athlete. Nicole was a freshman at Stanford University in California during the 1988-89 school year.
>
> Tim D. Wilcox (Navajo/San Juan/Potowatomi): Tim was a high school senior at Winslow High School in Winslow, Arizona, during the 1988-89 school year. Transcripts through the 11th grade show that he maintained a grade point average of 3.952 and ranked third in a class of 176. In addition to being an excellent student, Tim has been active in archeology, sports, student council, traditional dancing, and traditional crafts including weaving, pottery making, beadwork, and leatherwork.

APPENDIX E

OUTSTANDING INDIAN/ALASKA NATIVE YOUTH PROGRAM, continued

Nora Jean Dial (Lumbee): Nora graduated from Forsyth Community College in North Carolina in 1985 with a grade point average of 3.93 in an electronic data processing/business curriculum. Among her accomplishments in high school and activities in the North Carolina Indian community, she has received her hometown's "One Community Award" and was named Miss Indian North Carolina and North Carolina Most Outstanding Indian Student.

Sean Hayden Snell (Cherokee): Sean was a high school senior at Tahlequah High School in Oklahoma during the 1988-89 school year. Transcripts through the 11th grade show that he maintained a "straight A" average, and he has received numerous certificates of excellence. Sean was admitted to Northeastern State University for the fall 1988 semester as a high school concurrent student. He also achieved recognition during two summers while working in a leading role in the 19th Century Living Museum of the Cherokee National Historical Society.

This was the first year that the National Advisory Council on Indian Education presented Youth Awards. The Council was pleased by the response of 92 nominations from 24 states. Along with the four national winners and honorable mention, there were 19 state winners. Some states did not have any nominations, or applications were not complete; therefore, there was not a winner from every state. The state winners were:

Alaska	Francine Chiklak
Arizona	Leslie Juel Vann
California	Kee Bathke
Colorado	Delphine Singer
Florida	Rita Gopher
Idaho	Patrick. B. Teton
Michigan	Katherine Holappa
Nevada	William H. Taylor
New Mexico	Sybil Kannon
New York	Kerry Jimerson
North Carolina	Shelley Lowery
North Dakota	Albert P. Allick
Oklahoma	Clarissa L. Cook
Oregon	Lynn DeLorme
Pennsylvania	Stephen J. Johnson
South Dakota	Gaylene Pretty Bird
Utah	Anthony C. Peterman
Washington	Anita Abrego
Wyoming	Michael Goggles

APPENDIX F

OFFICE OF INDIAN EDUCATION
SHOWCASE OF EFFECTIVE PROJECTS
1989

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

9a

INTRODUCTION

In keeping with the President's declaration and the Secretary's policy to promote excellence in education, the Office of Indian Education is committed to supporting educational excellence in schools serving American Indian and Alaska Native students.

In 1987, the Office of Indian Education Programs (OIE) created a recognition program of effective Title V showcase projects for their potential as model projects at the Annual National Indian Education conference. There are many Indian education projects that are suspected to be working successfully, and those recommended for the showcase projects have been identified as promising practices having a strong potential for becoming a model project. Projects were nominated either by the regional Indian Resource Centers or by the Operations Branch Units in the Office of Indian Education. Projects were allowed to self-nominate but they were required to meet the selection criteria listed below.

In order for projects to be recommended, they must: 1) have measurable objectives, 2) show objective evaluation data, 3) show potential to prove effectiveness, 4) have cross-cultural or cross-tribal relevance, 5) show potential for replication, 6) show high degree of parental community involvement, 7) show potential for Program Effectiveness Panel submission; and 8) show evidence of commitment to prove effectiveness of project.

The following are abstracts on nine projects selected for the 1989 Showcase projects. They are all at different stages of development as effective projects. For more information, you may contact the Office of Indian Education at 202-732-1887, or the Indian Education Resource and Evaluation Center in your regional service area. A list of the Centers is provided at the end of the abstracts.

Aaron N Shedd

Aaron N. Shedd
Acting Director
Office of Indian Education

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CENTER I REGION

INDIAN EDUCATION ACT FORMULA GRANT PROJECT

Bay City Public Schools
Fremont School, 1001 Marsac Street
Bay City, Michigan 48708

Carole Spyhalski, Project Coordinator
(517) 894-0411

PROJECT DESCRIPTION

The Bay City Public Schools Indian Education project serves approximately 290 Indian students, almost all of whom are members of Federally recognized tribes. The project has two full-time professional staff and one half-time office assistant. The project provides student services in: attendance assistance, academic assistance, cultural awareness, and career education.

WHAT WORKS EFFECTIVELY

The project utilizes a comprehensive and systematic approach in its analysis of student needs. This approach allows the staff to collect highly detailed student-outcome-based evaluation data. A detailed sequence of interventions are made to assist students with problems in chronic absenteeism, i.e., students who have missed more than 20 half-days of school during one marking period. Another series of activities serve students who are not attaining at least a "C" grade in a subject course, or who perform at or below the 50th percentile on standardized achievement tests. In both components, project staff involve parents and teachers of students in communicating their needs and problems as well as identifying appropriate solutions. There is direct student involvement in identifying individual goals through use of a goal attainment survey. These goals are formalized in a learning contract between the student and either project staff or student peer tutors. Activities in each area are integrated across components.

HOW IT WORKS

Project staff meet with the parents and teachers to develop an attendance portfolio for each student identified as having attendance problems. The individualized plan takes into account referrals to other agencies that deal with special behavioral and discipline problems. The student is assisted in identifying individual goals as student and staff jointly develop an intervention plan based on a learning contract. An academic skills assessment is made in order to properly plan for personal growth and skill development of the student. This is accomplished through a series of intervention strategies, such as use of exercises that demonstrate the importance of reading skills in one's choice for a personal career. Other strategies might address development of: (a) organizational skills which will be useful in completing classroom assignments, (b) life-coping skills, (c) good study habits and (d) good hygiene/habits. Academic, cultural and career educational activities are integrated into each student's plan.

Individualized instructional learning packets consisting of activities which can be completed independently or during tutorial sessions are prepared for students in need of academic assistance. For example, in language arts, activities consist of (a) speed reading, (b) reading comprehension, (c) spelling exercises, and (d) writing exercises. In math, activities consist of (a) word problems, (b) exercises in fractions or basic concepts in algebra, (c) worksheets that complete a series of progressively complex math skills, (d) number line diagrams, (e) deductive reasoning exercises, and (f) exercises that demonstrate other math concepts such as perimeter, volume and area. Since students will often need assistance in several basic skills area, the lesson plans will incorporate a set of interrelated activities. The plan establishes mastery objectives for each student so that mastery level is measured and documented. Enrichment activities to promote positive self-concept and discipline are also integrated into the plan as part of an experiential and leadership training effort.

WHY IT WORKS

Individual student needs are matched with individualized strategies for meeting those needs. As a result, there is a high degree of satisfaction and cooperation among students and parents.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

The project maintains a broad array of individual student data, including standardized achievement test scores, course and subject letter grades, attendance and absenteeism rates, etc. The impact of the Bay City Indian Education project is best realized when one looks at the reduction in their drop-out rate over the past decade. In the 1980-81 school year, only 44% of the Indian seniors completed their education. Over 76 percent of the seniors graduated in 1984-85; 82% graduated by 1986-87.

WHAT MAKES THE PROJECT UNIQUE

The project uses a comprehensive and systematic approach in its evaluation of individual student needs which results in a collection of highly detailed student-outcome-based evaluation data used for measuring project impact.

CENTER I REGION

TUTORING AND CULTURAL ENRICHMENT PROGRAM

South Bend Community School Corporation
635 South Main Street
South Bend, Indiana 46601

Edward A. Myers, Office of Pupil Personnel
(219) 282-4141

PROJECT DESCRIPTION

This project, funded under an Indian Education formula grant, serves approximately 98 Indian students, mostly members of the Potawatomi Indian Nation. The program is designed to assist Indian students by: (a) reinforcing lessons taught in their classrooms, (b) remediating areas of failure or weakness, (c) enhancing self-esteem and study habits, and (d) building an understanding of their cultural heritage.

WHAT WORKS EFFECTIVELY

The volunteer tutoring component is most successful in its cost-effectiveness and personal developmental benefits received by students. The tutoring component of the project utilizes volunteer tutors from a local college, formerly from Notre Dame University and currently, from St. Mary's College. This allows the project to spend more of its funds on cultural instructional activities and student "scholarships" which provide access to special programs in the school district.

HOW IT WORKS

Indian students, who score below grade-level achievement standards on the Indiana Statewide Test for Education Progress (ISTEP), meet weekly with education majors at St. Mary's College. These individuals are committed to providing individualized assistance in tutoring, fostering good study habits, and promoting educational success among Indian students. Since many of the Indian students come from families of whom many have never been on a college campus, the tutors serve as primary education role-models for students. Parents are encouraged to provide positive incentives for their children and are required to bring the students to St. Mary's each week. The one-on-one tutoring is focused on basic skills and aimed at specific course content area in which a student may be weak. An Indian student in need of assistance in history, English literature, or economics is matched with an education major or minor in the respective course of study. Each tutor takes a mentoring interest in his or her student and provides constructive extra-curricular experiences for the student, such as visiting the museums or attending a sports event with the student. Tutors serve as motivators as they provide guidance to students in their development of self-confidence and higher aspirations for themselves, such as going to college.

WHY IT WORKS

At the beginning of the school year, tutors are given an intensive orientation by the St. Mary's faculty. The orientation involves training in (a) tutoring techniques, (b) strategies for staying on task, and (c) general concepts of child psychology. At the same time, tutors are familiarized with Indian education issues by the Indian education parent committee and school district personnel associated with the program. The parents of tutored students are also present at the orientation and asked to provide encouragement and positive home study environments. Parents often offer information regarding student's interest, temperament, habits, etc., which can be useful to the tutors when dealing with students. Parent involvement is a strong element of the program.

Each Indian student provides his or her tutor with an individualized needs assessment completed by the classroom teacher. The assessment lists areas to be reinforced during the tutorial session. Students bring homework assignments to their tutorial sessions. The project provides resources such as school supplies, suggested Indian-related books and other materials for their students. The tutor is also provided information with regard to the student's problem areas in meeting the ISTEP objectives. Thus, the tutoring is designed to meet specific individualized student needs.

Additionally, the project offers a practicum opportunity for tutors as an incentive to participate in the program by fulfilling field service hours required for teacher certification at St. Mary's College.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

The project's effectiveness is determined by the performance of Indian students on the ISTEP. Students who do not pass the ISTEP for their respective grade are required to attend summer school. As a result of the project, there have not been any Indian students who have had to attend summer school. The project is additionally cost-effective, since it receives approximately 1000 hours of volunteer services from college students.

WHAT MAKES THE PROJECT UNIQUE

The project makes special arrangements for recruiting student volunteers or tutors from the education department at a university and mandates parent attendance at the tutoring sessions.

CENTER II REGION

RED LAKE INDIAN EDUCATION PROGRAM
Red Lake Independent School District No. 38
Red Lake, Minnesota 56671

Delores Cloud, Indian Education Director
Darlene Johnson, Instructor, Co-presentor
Phone #218-679-3873

PROJECT DESCRIPTION

The project serves students in grades K-12 on the Red Lake Indian Reservation. The students are almost exclusively members of the Red Lake Band of Chippewa Indians. The project provides culturally relevant instruction in: Ojibwe language, Ojibwe arts and crafts, Ojibwe tribal history and government, and ethnography and history of other American Indian tribes. In addition, the program recognizes student supports activities that increase student self-esteem and help in reducing drug and alcohol usage.

WHAT WORKS MOST EFFECTIVELY

The program has collected objective quantitative data to show evidence that all components of the project are effective. The Ojibwe language component consisting of teaching both oral and written aspects of the language, is effective across all grades but has shown the greatest impact in the lower grades. The project has also been effective in providing students with hands-on experience in arts and crafts, giving the students tangible links with their cultural heritage.

WHY IT WORKS

The project operates under an effective Parent Committee, ensures culturally relevant curriculum and activities, and careful attention is given to research design and objective assessment. The Parent Committee is involved in the initial assessment of needs and throughout the final project evaluation insuring that the project stays focused on the needs of the community. Students are attracted to a curriculum which seeks to preserve their language, convey the crafts of their ancestors, and teach the history of their reservation. The project maintains close consultation with a team of independent evaluators who are trained in tools of research design and statistical analysis to insure the scientific integrity in the evaluation results of the project. The information provided by the evaluators serves as feedback for ongoing project modification. A large portion of the success of the project is due to the commitment of staff, their knowledge about the program, and their active membership in the community.

HOW IT WORKS

A needs assessment is administered to parents, school personnel, students, and others in the community prior to the development of each year's program. The evaluators provide a statistical summary of the needs assessment from which the Parent Committee formulates the project goals. The Parent Committee and staff translate the goals into activities and curriculum. The evaluators develop a design for determining effectiveness of the different project components. Different aspects of the curriculum are taught at various grade levels in the schools with all students having the opportunity to participate in the project. Most of the curriculum is delivered in a traditional classroom setting for periods of time ranging from several weeks to an entire school year. Support activities for students in the high school take place throughout the school year. These activities include publishing a newspaper, organizing an Indian Club, providing speakers who serve as positive role models for Indian youth, and assisting students with questions and problems related to drugs and alcohol. Finally, the project is evaluated and its results are used by the staff and Parent Committee to develop new objectives for the coming year.

HOW THE PROJECT HAS PROVEN ITS EFFECTIVENESS

The evaluators work with staff to insure that project objectives are stated in measurable terms. Specific outcome measures are developed for each objective. Using standard test construction methodology, the evaluators develop various tests in conjunction with classroom teachers for a given subject. The program has developed a large number of instruments measuring the knowledge gained in Ojibwe language and arts and crafts. Oral and written tests are used in the more highly developed language component. The evaluation employs a pre-post design, and, in the past, has included no-treatment control groups to evaluate rival hypotheses about the locus of observed changes. Data analyses include descriptive statistics, inferential statistics for evaluating the significance of pre-post changes, and measures of effects. After 10 years of testing, the project has collected sufficient evidence to claim effectiveness of the program. For example, in the Ojibwe language component, of the 71 comparisons made during this period (N=1475), 59 showed significant positive changes from pretesting to posttesting at the $p=<.05$ level. Eta squared values ranging from .42 to .86 indicate these to be very strong effects. Other components of the project showed similar but less dramatic results.

WHAT MAKES THE PROJECT UNIQUE

The close collaboration between the staff, with their expertise in a culturally based curriculum, the Parent Committee, with their sensitivity to the needs of the community, and the evaluators, with their research skills, make the project unique. The ability of these three groups to provide one another with valuable information has allowed the project to self-correct and mature. The evaluation is seen by the three groups, not simply as a requirement of the funding process, but, as a vehicle to enhance the delivery of services to the youth on Red Lake Reservation.

CENTER III REGION

JUNEAU INDIAN STUDIES PROGRAM

Juneau City and Borough School District
10014 Crazy Horse Drive
Juneau, Alaska 99801

Ronalda Cadiente, Workshop Presentor
Cristina Hill, Project Director
(907) 586-2303
(907) 463-5105

PROJECT DESCRIPTION

The Juneau Indian Studies Program (JISP), operated by the Juneau City and Borough School District, Juneau, Alaska, is a formula grant which provides cultural awareness curriculum units for elementary and secondary students for purposes of improving self identity and self-image.

The program focuses on the integration of an Alaskan Native cultural awareness unit into the Social Studies curriculum and on district teacher training for appropriate delivery of the approved curriculum units. The program's goal is attained through activities that include: classroom instruction based on the district-wide Indian Studies Curriculum Guides from grades K-5 and 9-12; teacher evaluation of cultural presentations; teacher inservice training on cultural curriculum for institutionalized quality delivery; and evaluation of teacher inservice training.

WHAT WORKS MOST EFFECTIVELY

Curriculum guides for elementary and secondary social studies education were developed and pilot-tested. A "Comprehensive Social Studies" framework was adopted in May, 1989. A Native culture inservice plan was developed and integrated in a staff development model for multicultural teacher education for all district teachers. This institutionalized approach to the Native cultural awareness education has created pride in the Native culture among the Native community, in general, and is projected to increase the self-esteem level of students. This has also increased student attendance at the cultural classes.

WHY IT WORKS

The institutionalized approach to culture awareness instruction works because it resulted from guided, not imposed, dialogue among representatives of the two cultures, looking at similarities and differences as valuable, not as dominative tools. Once alienation was overcome, the students felt motivated to share the cultural richness offered them, leading to full participation by choice and curriculum institutionalization by consensus. The mutual acceptance of both communities' cultural heritage ultimately earned acceptance of the Native cultural curriculum into the general school district curriculum under the "K-12 Comprehensive Social Studies Curriculum".

HOW IT WORKS

The Native Alaskan cultural curriculum units were developed and pilot-tested in a critical and cooperative format that involved the Scope and Sequence Indian Education Curriculum Committee (SSIECC) to facilitate mutual acceptance and district-wide curriculum institutionalization.

Direct classroom instruction based on pilot-tested curriculum guides infuses seriousness of purpose, prevents improvisation and/or transmission of personal bias and makes Native culture appear to students as a "teachable" subject. Inservice training provides teachers with a familiarity of the curriculum and generates teacher confidence necessary to professionally convey multicultural information. This procedure diminishes the resistance that might arise from the imposition of a new district-wide comprehensive curriculum. The rediscovery and official instruction of Native values has consistently effected inter-cultural dialogue and is suspected to promote substantial growth in Native self-esteem.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

Comparisons between planned outcomes and actual outcomes are established by qualitative descriptive methods that include surveys, teacher and parent observations/reports and records review. The Program has consistently met and exceeded stated expectations. The activity has shown a marked interest in Native Alaskan culture by Native and non-Native students, and a high sensitivity among districts' teachers to the Native heritage. There is also an eagerness by all education parties to make the curriculum work as evidenced by the high participation of the students in the cultural classes.

WHAT MAKES THE PROJECT UNIQUE

The Program activities have attained, through Native curriculum development and broad Scope and Sequence Committee critique, an increased student participation in Native culture classes, high levels of self-esteem, curricular institutionalization, community dialogue and capacity of the Social Studies teacher to professionally teach a Native curriculum. The high mark of program uniqueness is the official acceptance of the curriculum into the district's "comprehensive K-12 comprehensive Social Studies Curriculum". The curriculum has been requested and applied by various school districts throughout Alaska.

CENTER III REGION

QUILEUTE INDIAN EDUCATION PROGRAM

Quileute Tribal School
P.O. Box 39
LaPush, WA. 98350

Terri Tavenner, Project Director
(206) 374-6163 ext. 305

PROJECT DESCRIPTION

The project provides tutoring, cultural awareness and counseling services to students at the Quileute Tribal School in LaPush, Washington, for purposes of bolstering self-concept and increasing knowledge of the Quileute language and culture within the tribal community generated curriculum.

The project emphasizes Quileute specific language and culture curriculum development, cultural alternatives and development of a cultural foundation to help reduce drug and alcohol use among the students. Tutoring in reading and math is also emphasized by the project.

WHAT WORKS MOST EFFECTIVELY

Several factors have been observed as working effectively. These are: community involvement and consensus-seeking in the design and implementation of the project, and community feedback and input into activities. The most effective factor lies within the integration of activities into one community-based undertaking, which maximizes participation and minimizies bureaucratic compartmentalization.

WHY IT WORKS

The project works because all available resources are gathered and focused into attaining one clear result: producing greater benefits for all the parties involved. The community's continued involvement, from design to institutionalization and operation of the curriculum, generates positive feelings about the school and community. The family functions as an educational facilitator perceived in a co-educational mode. The student is attracted to the culturally-based curriculum, learns in the traditional setting, i.e., within and with the community, and receives reinforcement through traditional counseling and tutoring.

HOW IT WORKS

Administratively, the project director coordinates the whole operation, ensuring comprehensiveness of project and obtaining full involvement of the parties.

Enrichment activities consist of either actual promotion of tribal cultural activities sponsored by the school or establishing an archive of learning materials as resources for curriculum development. The experiential method, which promotes learning by doing in the natural community, is used in cultural instruction with selected community specialists in hunting, fishing, canoe carving, weaving and storytelling serving as instructors. The tribal language is taught in a daily class by paraprofessional Elders. Multi-lingual software developed under the project to reinforce oral instruction is used by students following "experiential" learning sessions.

Counseling activities incorporate cultural activities which involve the family in group teaching of traditional values, principles and practices. The project takes into consideration the community environment afflicted by alcoholism and drug abuse, and uses traditional "naturalistic" counseling in efforts to reinforce the value of survival and identity preservation. This will result in a positive change in the educational outlook and motivation among the students.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

Although no experimental or quasi-experimental design is called for by the project, program outcomes have been measured by qualitative instruments over time. Achievement tests and self-concept inventories have been developed and used in measuring effectiveness.

The project has been able to prove efficiency and effectiveness and have consistently exceeded the stated expectations. These results appear to show an impact on self-concept, school-community consenus, juvenile chemical abuse, dropout rates, drug and alcohol related deaths, and growing multigenerational cultural resurgence. Consistent improvement in behavior toward self and school, in basic academic performance, growth in community participation in ownership mode, and timely product delivery of completed archival and curricular materials, all express a high degree of project effectiveness and efficiency.

WHAT MAKES THE PROJECT UNIQUE

The project provides a comprehensive service to a tribal school founded upon the self-determination principle of educational sovereignty.

Methodologically, the project melds tradition and technology in a way that restores traditional learning habits. The elders and youngsters are involved together in the learning process.

CENTER IV REGION

NATIONAL INDIAN YOUTH LEADERSHIP PROJECT

101 South Clark St.
Gallup, NM 877301

McClellan Hall, Project Director
505-863-9521

PROJECT DESCRIPTION

National Indian Youth Project (NIYLP) is designed to provide a sequenced, social developmental experience for 7-9th grade Indian youth which will assist them in developing skills in problem solving, decision making, cooperation and other critical areas that enhance self-esteem and confidence while promoting independence and maturity. A key feature of the program is the National Youth Leadership Camp.

WHAT WORKS MOST EFFECTIVELY

Outdoor adventure-based activities provide a critical element to the project. Activities focus on development of coping skills, leadership services, and incorporation of traditional Indian values into the life styles of today's youth.

WHY IT WORKS

Traditional cultural values are reinforced throughout the activities. Youth gain both personal and social experiences that are fun, challenging, and provide a sense of empowerment in their developmental process.

HOW IT WORKS

The program begins with the National Indian Leadership Camp. Young people are removed from their family surroundings and placed in a camping environment where they are expected to help create their own youth community. Radios, tape players, television and junk food are not allowed at camp in order to minimize distractions during the 8-10 day program.

Students go through a highly structured sequence of events, beginning with an "immersion" phase where students are mixed together with youth from other communities to form clan groups. These groups eat and work together solving problems during a 10 day period. Opportunities for skill development are created for problem solving, communications, group decision making and cooperation through high adventure challenges.

Students are challenged with a variety of physical and intellectual demands, and are taught to apply the skills when dealing with their home problems. Each group designs a project that requires each individual to implement it the following year. Adult mentors who have been through training provide guidance in the home communities.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

The project has evolved under a variety of settings among numerous tribes over the past seven years. The American Indian Education Policy Center at Penn State University evaluated the pioneer phase conducted during the period of 1983-1987. An adapted model of the project has been tested over the past three years at the Hannahville Indian School in Northern Michigan, Passamagoddy Tribe in Maine, Cherokee Nation Health Department in Oklahoma, Wounded Knee District School in South Dakota, and the Lower Kuskokwin School District in Alaska. Results of the 1988-89 program are currently under evaluation.

WHAT MAKES THE PROJECT UNIQUE

National Indian Youth Leadership Project (NIYLP) is a blend of adventure-based education, experiential education, traditional Indian values, and approaches based on the "habilitation" model and a "cascading role-modeling" staffing pattern. These models have been tested over the last seven years using funds from small foundation grants and grassroots fund-raising activities.

MEASURE USED

The instrument used for the 1983-87 period was Janis-Field Self-Esteem Inventory. The current project will also use the Janis-Field test but will supplement that data with an on-site evaluation of the camp program consisting of interviews with staff and students to provide qualitative data. A follow-up evaluation of students is conducted with parental consent and school cooperation. Each participant's grades, attendance and involvement in the school and community are monitored closely.

CENTER IV REGION

CIRCLE OF LEARNING

Denver Indian Center, Inc.
4407 Morrison Road
Denver, Colorado 80219

Lisa Harjo, Project Director
Lisa Stoneboy - Presentor
(303) 936-2688

PROJECT DESCRIPTION:

The Circle of Learning is a children and family services program that focuses efforts on nurturing the Indian child, parents and family. Client services include early childhood education classes for children ages 2 1/2 to 5 years old, in-home instruction for children 0-5 and parent education classes. The Circle of Learning is housed in an intertribal urban American Indian Community Center that also offers parents an opportunity for employment training and assistance, adult basic education, a seniors program, a youth program and a social services program. The project was developed in response to the expressed need of the Denver Indian community for an opportunity to participate more fully in the larger society and still retain their roots and cultural heritage.

WHAT WORKS MOST EFFECTIVELY:

The practices of empowering children and families through a structured educational process, and the building of a positive self-concept are strong aspects of the program.

WHY IT WORKS:

Three component services, preschool classes, in-house instruction, and parent education are independently successful in that they each meet an isolated need of parents and children. In order to promote independence and self-motivated learning in children and parents, the three components were forged into a process model. These complimentary services work together to support the development of an early foundation and enhancement of a positive parent and child partnership.

HOW IT WORKS:

The Circle of Learning operates two classrooms for early childhood education on a year round basis. The program has developed its own American Indian culturally based curriculum for preschool, "the Circle Never Ends." This curriculum is thematic with each unit and activity built around an Indian legend illustrating the particular unit of study. The classrooms operate on a full and half day and emphasize age appropriate learning skills. Culture knowledge is presented in a culturally appropriate setting. The Home Base Instruction program sends a teacher into the clients' homes to provide educational services as needed for both parent and children under 5 years old. The majority of services are modeling lessons for parent/child interaction focused on age-appropriate basic skills placed in a cultural context. The Home Base Instructor uses the Circle Never Ends Curriculum. Parents are additionally instructed in health, safety, nutrition, child growth, discipline and on other topics as requested.

The parent education component offers a wide array of activities to help parents gain skills and knowledge, build literacy skills, reduce personal isolation, and increase positive self concept and empowerment. Services range from parent support groups, sewing, cooking and other skill related classes to paraprofessional employment, training, literacy and parenting classes.

HOW THE PROJECT HAS OR WILL PROVE IT EFFECTIVENESS:

The goal of the Circle of Learning Program is to build and enhance individual and group capacity of parents and children within the American Indian community by actively participating in the educational process of their children. In a nine month period (September-June) of parent participation in school related functions, students at the preschool have gained within a range of 12-24 months of developmental learning skills. Attendance in the parent education classes has increased and families are observed to be taking a more positive role. More parents are also attending more group meetings.

MEASURE USED:

Students at the preschool and home-base program are pre-and-post tested annually using the Santa Clara Inventory of Developmental Tasks. These test results are collaborated once each year with a single application of the Denver Developmental Skills Test. Significant growth beyond normal expectations has been noted yearly for more than five years. In addition, child observation records are kept monthly along with daily attendance, and a skills checklist designed in conjunction with the curriculum.

Statistics are kept on the frequency of parent participation and number of parents completing parent training. This year, a follow-up study will begin on students entering public school.

WHAT MAKES THE PROJECT UNIQUE:

The project is based on the idea of nurturing partnerships between parents and children in education, with a focus on the whole child in his or her cultural home/school environment.

CENTER V REGION

MOORE INDIAN EDUCATION CENTER
Moore Public School District
2009 North Janeway
Moore, Oklahoma 73160

Pat Ross, Director of Indian Education
(405) 794-1874

DESCRIPTION OF PROJECT

The Moore Public School District's Indian education formula grant program serves 2,432 Indian students in grades K-12. These students come from 44 different tribes and are enrolled in the district's 15 elementary schools, four junior high schools, two high schools, and a special learning center.

The project consists of: (1) tutorial services in reading and mathematics; (2) supplemental counseling services; (3) activities to increase awareness and appreciation for Indian culture; (4) dissemination of information on scholarships, grants, and financial aid, and (5) dissemination of information on increased opportunities for career and vocational training.

WHAT WORKS MOST EFFECTIVELY

The success of the program is attributed to the quality and experience of the staff, in addition to their dedication and commitment to the project.

Student outcome objectives have been met consistently as shown by statistics kept on the program for the past 16 years. Results show that each objective has exceeded the target objective.

WHY IT WORKS

The Moore Public Schools Indian Education Program has worked well on basis of four factors: communication, culture, counseling, and curriculum. The activities are designed to be sensitive to the needs of Indian students and encourage students to develop positive feelings and attitudes about themselves and others.

Cooperation is another factor attributed to the project's success. An excellent cooperation exists between the Moore Public Schools' Board of Education, superintendent, administrators, principals, teachers and classified personnel. Cooperation has been also excellent between the Indian Education Parent Committee and the school district personnel.

HOW IT WORKS

A developmental counseling and drug prevention K-12 program is provided for the Indian students. All 15 elementary and 6 secondary schools are served by certified counselors. Counseling and drug prevention activities are delivered through individual and small group guidance. Each home school conducts a yearly needs assessment, and the results are used to determine the needs for the program for that school. A guidance committee composed of the Indian counselor, students, parents, teachers, and administrators is responsible for planning and implementing the program.

Eight paraprofessional tutors travel twice a week to 15 elementary schools to work with students in the basic academic areas of reading and mathematics under the direction of a prescriptive teacher. The teacher pre and post tests each student, writes a prescription, and monitors the tutoring program. The tutors also work cooperatively with the counselors to provide a cultural arts program. The students are pre-tested, taught a curriculum, required to produce arts and/or crafts, and are post-tested. The tutors and counselors meet once a month at regularly scheduled meetings to coordinate the program. Career education is provided for secondary students.

Additionally, the program sponsors cultural resource speeches to address the students and address cultural differences and Indian heritage in a positive manner. The objective of this aspect of the project is to enhance self-identity among students, and ultimately to improve their self-esteem.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

Objectives for the components are evaluated at the end of the project. Pre and post tests used to measure the degree to which objectives were met revealed that the reading objective was met with 78% of the students surpassing the stated objective. The math objective was met with 80% of the students surpassing the stated objective.

WHAT MAKES THE PROJECT UNIQUE

The program began 16 years ago in the closet of a World War II barracks. Today, the MOORE INDIAN EDUCATION CENTER has become a focal point for all activities. The staff has access to a large media center which contains a variety of materials to help the Indian education staff provide unique services to students. Some materials developed by the staff include: Indian Education Brochure, Elementary and Secondary Guidance Handbooks, Arts and Crafts Curriculum Handbook, Tutoring Manual, The Community and You (drug prevention brochure), Drug Abuse Prevention for Parents, Communication Grams, and Bibliographies for the above areas.

CENTER V REGION

COWETA PUBLIC SCHOOLS INDIAN EDUCATION PROJECT

School District No. I-17
732 Trower Street - P.O. Box 550
Coweta, Oklahoma 74429

Clair McKean, Director
(918) 486-6506
Ken Childers, Coordinator
(918) 486-3115

DESCRIPTION OF PROJECT

The Coweta Public Schools Indian Education Project provides three types of services to Indian students: tutoring, cultural awareness and parental support services. The goals of the project are to help promote a positive self-concept among 789 Indian students and to raise Indian student achievement levels in the Coweta schools. While most of the Indian students are from the Creek and Cherokee tribes, the project serves students from approximately 14 tribes. Tutoring is offered to students in grades K-12 with an emphasis on grades K-8. Cultural awareness is provided for all Indian students through speakers, field trips, and special projects.

WHAT WORKS MOST EFFECTIVELY

The Tutoring component is the catalyst that pulls all the efforts together by personally reaching out to all Indian students through the school district.

HOW IT WORKS

The Coweta Public Schools is able to provide the following types of assistance necessary for effective learning and teaching of Indian students within the regular school setting:

Academic - A tutorial program using adult tutors is provided for students. Teaching assistants are used to tutor Indian students in basic subjects in grades K-9, and as funds permit, certified teachers are used to tutor students at the high school level.

Cultural - The cultural program is focused around an Indian Heritage Center. Demonstrations, lectures, films, books, and displays of Indian artifacts are provided to students to enhance their cultural identity, raise their self-esteem, development of cultural appreciation, and understanding of Indian values.

Economic - A parental support program is designed to aid economically distressed Indian students with school supplies and other related school materials to students who cannot afford them. These support services eliminate feelings of inadequacy and embarrassment, allowing many Indian students who could not otherwise afford to participate in school activities.

WHY IT WORKS

This project is successful for two main reasons: (1) there is a strong working relationship between the parent committee, administration, staff and community which creates positive expectations and offers encouragement; and (2) there is consistency among paraprofessionals and the teaching staff in meeting individual needs of students. Emphasis is placed on building a student-teacher relationship that fosters trust and expectations. The staff and tutors serve as role models and are accessible to all Indian students at all times.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

NCE gains of greater than zero on the Metropolitan Achievement Test-6 were found to be consistent with the students' involvement in the project. Teachers, parents and staff observed increased self-esteem as work assignments were completed. Follow up of student accomplishments, as part of the long range plan, provides evidence of effectiveness of the project.

WHAT MAKES THE PROJECT UNIQUE

This project has exhibited a strong spirit of cooperation, trust, and dedication toward an objective that builds on the future while maintaining sight of the past. The students appear to be accomplishing more since the present school administration united efforts with the Indian community on the project.

Title V

Resource and Evaluation Center Directory

Center	Phone	Region	States Served
Director: Gwen Shunatona Indian Education Resource Center I ORBIS - Suite 200 1411 K Street N.W. Washington, D.C. 20005	(202) 628-4444 Toll Free Number: 1-800-621-2998	Eastern	AL, CT, DC, DE, FL, GA, IL, IN, KY MA, MD, ME, MI, MS, NC, NH, NJ, NY, PA, RI, SC, TN, VT, WV
Director: Phil Baird Indian Education Resource Center II United Tribes Technical College 3315 University Dr. Bismarck, ND 58504	(701) 258-0437 Toll Free Numbers: (In State) 1-800-932-8997 (Out of State) 1-800-437-8054	N. Plains	IA, MN, MT, ND, NE, SD, WY
Director: Raymond Reyes Indian Education Resource Center III School of Education Gonzaga University 302 East Sharp Spokane, WA 99258-0001	(509) 328-4220 Extension 2813 Toll Free Numbers: 1-800-533-2554 1-800-648-5847	Northwest	AK, ID, OR, WA
Director: Shirley Hendricks Indian Education Resource Center IV NITRC-Suite 216 2121 S. Mill Avenue Tempe, AZ 85282	(602) 967-9428 Toll Free Numbers: (In State) 1-800-352-6498 (Out of State) 1-800-528-6425	Southwest	AZ, CA, CO, HI, NM, NV, UT
Director: Mary Ann Brittan Indian Education Resource Center V AIRD, Inc. Suite 200 2424 Springer Drive Norman, OK 73069	(405) 364-0656 Toll Free Numbers: (In State) 1-800-422-0966 (Out of State) 1-800-451-2191	S. Plains	AR, KS, LA, MO, OK, TX

TITLE V—INDIAN EDUCATION

PART A—BUREAU AND CONTRACT SCHOOLS

Indian Education Amendments of 1988.
25 USC 2001 note.

SEC. 5101. SHORT TITLE.

This part may be cited as the "Indian Education Amendments of 1988".

SEC. 5102. PROHIBITION ON TRANSFERS OF BUREAU AND CONTRACT SCHOOLS.

Section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001) is amended—

(1) by adding at the end of subsection (g) the following new paragraph:

"(5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after April 1, 1987, or

"(B) any program of such a school that is operated on or after April 1, 1987,

only if the tribal governing body approves such action.",

(2) by striking "Such standards and procedures shall require that whenever" in subsection (g)(3) and inserting in lieu thereof "Whenever",

(3) by inserting "transfer to any other authority," after "close," and after "closure," each place either term appears in paragraphs (3) and (4) of subsection (g), and

(4) by adding at the end thereof the following new subsection:

"(j) For purposes of this section, the term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.".

SEC. 5103. REPORT ON TEMPORARY ACTIONS TAKEN FOR A YEAR.

Section 1125 of the Education Amendments of 1978 (25 U.S.C. 2005) is amended—

(1) by redesignating subsection (d) as subsection (e),

(2) by inserting after subsection (c) the following new subsection:

Public health and safety.

"(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

"(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

Regulations.

Federal Register, publication.

"(B) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall conduct a review of the guidelines used by the Bureau in determining whether plant conditions at a Bureau school constitute an immediate hazard to health and safety. By no later than June 30, 1989, the Secretary shall publish in the Federal Register the final form of regulations which shall be used by health and safety officers of the Bureau in making such determinations.

"(C)(i) If—

"(I) the Secretary fails to publish in the Federal Register in final form the regulations required under subparagraph (B) before July 1, 1989, and

"(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by no later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

"(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

"(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

Reports

"(3) If—

"(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

"(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by no later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.".

SEC. 5101. ELIGIBILITY AND EXPANSION OF BUREAU FUNDED SCHOOLS.

Section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001) is amended—

(1) by striking out "Indian controlled contract schools (hereinafter referred to as 'contract schools')" in subsection (a) and inserting in lieu thereof "contract schools", and

(2) by adding at the end thereof the following new subsection:

"(k)(1)(A) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing—

"(i) applications from any tribe for the awarding of a contract or grant for a school that has not previously received funds from the Bureau,

"(ii) applications from any tribe or Bureau school board for—

"(I) a school which has not previously been operated or funded by the Bureau, or

"(II) the expansion of any program currently funded by the Bureau which would increase the amount of funds received by the Indian tribe or school board under section 1128.

The Secretary shall give consideration to all of such factors, but none of such applications may be denied based primarily upon the geographic proximity of public education.

"(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

"(i) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(ii) geographic and demographic factors in the affected areas;

"(iii) adequacy of the applicant's program plans or, in the case of a Bureau operated program, of projected needs analysis done either by a tribe or by Bureau personnel;

"(iv) geographic proximity of comparable public education; and

"(v) the stated needs of all affected parties, including (but not limited to) students, families, tribal governments at both the central and local levels, and school organizations.

"(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

"(i) geographic and demographic factors in the affected areas;

"(ii) adequacy and comparability of programs already available;

"(iii) consistency of available programs with tribal educational codes or tribal legislation on education; and

"(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

"(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by no later than the date that is 180 days after the day on which such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A)—

"(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

"(ii) may provide information concerning the factors described in paragraph (1)(C).

"(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant by no later than the date that is 180 days after the day on which the application is submitted to the Secretary,

"(B) provide assistance to the applicant to overcome stated objections, and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

Effective date.

"(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"(6)(A) Any application for expansion of the grade levels offered by a tribally controlled school which has been submitted to the Secretary prior to the date of enactment of this Act shall be reviewed under the regulations and guidelines in effect on the date on which such application was submitted, unless the applicant elects to have the provisions of this subsection apply to the review of such application.

"(B) Notwithstanding any other provision of law, if the school board of the Bureau funded schools at the Pueblo of Zia and the Tama Settlement vote within the 2-year period beginning on the date of enactment of the Indian Education Amendments of 1988 to expand each of the schools to include kindergarten through grade 8, the schools shall be so expanded at the beginning of the next school year occurring after the vote.".

SEC. 5105. DORMITORY CRITERIA.

Section 1122 of the Education Amendments of 1978 (25 U.S.C. 2002) is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 1121(b) may be waived under section 1121(d).

"(2) No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

Reports.

"(3) By no later than May 1, 1989, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.".

SEC. 5106. REGULATIONS.

Section 1123 of the Education Amendments of 1978 (25 U.S.C. 2003) is amended to read as follows:

"REGULATIONS

"SEC. 1123. (a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are hereby incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the Executive Branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless—

Federal Register, publication.

"(1) the regulation has been published as a proposed regulation in the Federal Register,

"(2) an opportunity of no less than 90 days has been afforded the public to comment on the published proposed regulation, and

Federal Register, publication.

"(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

"(d) For purposes of this section, the term 'regulation' means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the Executive Branch.".

SEC. 5107. FORMULA MODIFICATIONS.

(a) IN GENERAL.—

(1) Paragraph (1) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(1)) is amended to read as follows:

"(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an average daily attendance of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

"(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.".

(2) Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended by adding at the end thereof the following new paragraphs:

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that—

"(i) is gifted and talented (as determined pursuant to section 5324 of the Indian Education Amendments of 1988), and

"(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

"(B) The adjustment required under subparagraph (A) shall be used for the later of the following fiscal years and for each fiscal year succeeding such later fiscal year:

"(i) the second fiscal year succeeding the fiscal year in which the Secretary of Education makes the report required under section 5324(c)(6)(B) of the Indian Education Act of 1988, or "(ii) the first fiscal year for which an increase in the amount of funds appropriated for allotment under this section is designated by the law that appropriates such funds as the amount necessary to implement such adjustment without reducing allotments made under this section to any school.

"(5) For each of the fiscal years 1989 and 1990, the Secretary shall adjust the formula established under subsection (a) to provide funding to schools operated by Indian tribes that are treated under State law as political subdivisions of the State in an amount sufficient to enable the schools to meet standards imposed by the State.".

(b) STUDY.— 20 USC 1411 note.

(1) The Comptroller General of the United States (hereafter in this subsection referred to as the "Comptroller General") shall conduct a study to determine—

(A) the number of children who—

(i) are 3 or 4 years of age,

(ii) are eligible for services provided by the Bureau of Indian Affairs of the Department of the Interior, and

(iii) are handicapped children (within the meaning of section 602(1) of the Education of the Handicapped Act (20 U.S.C. 401(1))),

(B) the geographic disbursement of such children,

(C) the number of such children who the Comptroller General estimates will receive services under the pre-school set-aside program under Public Law 99-457,

(D) the sufficiency of the pre-school services described in subparagraph (C),

(E) the unmet needs of such children,

(F) the number of such children who the Comptroller General estimates will attend education programs (schools or residential programs) funded by the Bureau, and

(G) the information described in subparagraphs (B), (C), (D), and (E) with respect to the children described in subparagraph (F).

(2) By no later than the date that is 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the study conducted under paragraph (1). Reports.

SEC. 5108. ADMINISTRATIVE COST.

(a) IN GENERAL.—The Education Amendments of 1978 (25 U.S.C. 2008) is amended by inserting after section 1128 (25 U.S.C. 2008) the following new section:

"ADMINISTRATIVE COST GRANTS

"SEC. 1128A. (a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract schools in order to— 25 USC 2008a.

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract schools.

"(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to each of the direct cost education programs operated by the tribe or tribal organization for which funds are received from or through the Bureau.

"(2) The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c) For purposes of this section, the administrative cost percentage rate for a contract school for a fiscal year is equal to the percentage determined by dividing—

"(1) the sum of—

"(A) the amount equal to—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(ii) the minimum base rate, plus

"(B) the amount equal to—

"(i) the standard direct cost base, multiplied by

"(ii) the maximum base rate, by

"(2) the sum of—

"(A) the direct cost base of the tribe or tribal organization for the fiscal year, plus

"(B) the standard direct cost base.

The administrative cost percentage rate shall be determined to the one hundredth of a decimal point.

"(d)(1)(A) Funds received by a contract school as grants under this section for tribal elementary or secondary educational programs may be combined by the contract school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

"(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(e) For purposes of this section—

"(1)(A) The term 'administrative cost' means the costs of necessary administrative functions which—

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

"(iii) are either—

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include, but is not necessarily limited to—

"(i) contract (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office of Indian Education Programs of the Bureau;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government, and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3) The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract or agreement with the Bureau.

"(4)(A) Except as otherwise provided in this paragraph, the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year, or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(5) The term 'maximum base rate' means 50 percent.

"(6) The term 'minimum base rate' means 11 percent.

"(7) The term 'standard direct cost base' means $600,000.

"(f)(1) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

"(B) a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate, and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1130) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and "(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted on-site at a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how they may effectively be incorporated into such formula.

"(3) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

Reports.

"(4) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c).

"(5) The Secretary shall include in the Bureau's justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(6) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

Appropriation authorization.

"(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.

"(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

"(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall—

"(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

"(B) be subject to the provisions of subsection (d).

"(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of—

"(i) such amount received, plus

"(ii) one-third of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to one-third of the excess of—

"(I) such amount received, over

"(II) such amount determined under subsection (b).

"(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of—

"(i) such amount received, plus

"(ii) one-half of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to one-half of the excess of—

"(I) such amount received over,

"(II) such amount determined under subsection (b).".

(b) SCHOOL BOARD TRAINING.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (20 U.S.C. 2008(c)(3)) is amended to read as follows: 25 USC 2008

"(3)(A) The Secretary shall reserve for national school board training 0.133 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1986. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations. Contracts.

"(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall receive an additional 2 weighted units to defray school board activities.

"(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $4,000, or

"(ii) 2 percent of such allotted funds,

for school board activities for such school, including but not limited to, and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.".

(c) PERCENTAGE OF FUNDS NOT SUBJECT TO FISCAL YEAR LIMITATION.—Section 1128 of the Education Amendments of 1978 (20 U.S.C. 2008) is amended by adding at the end thereof the following new subsection: 25 USC 2008.

"(h) At the election of the local school board made at any time during the fiscal year, a portion equal to no more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation.".

SEC. 5109. LOCAL PROCUREMENT.

Paragraph (4) of section 1129(a) of the Education Amendments of 1978 (25 U.S.C. 2009) is amended to read as follows:

"(4) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of no more than $25,000 of the amount allotted the school under section 1128 to acquire supplies and equipment for the school without competitive bidding if—

"(A) the cost for any single item purchased does not exceed $10,000;

"(B) the school board approves the procurement;

"(C) the supervisor certifies that the cost is fair and reasonable;

"(D) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(E) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or school board considers relevant.".

SEC. 5110. COORDINATED PROGRAMS.

Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding at the end thereof the following new subsection:

Contracts.

"(f)(1) From funds allotted to a school under section 1128, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 1121(j)) whose children are served by a program operated by the Bureau, implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves education programs operated by the Bureau. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

"(A) Academic program and curriculum, if a facility operated by the Bureau which is currently accredited by a State or regional accrediting entity would continue to be accredited.

"(B) Support services, including procurement and facilities maintenance.

"(C) Transportation.

"(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.".

SEC. 5111. CONSULTATION.

Section 1130 of the Education Amendments of 1978 (25 U.S.C. 2010) is amended—

(1) by striking out "Bureau" the first time it appears and inserting in lieu thereof "the Secretary and the Bureau",

(2) by striking out "It shall" and inserting in lieu thereof "(a) It shall", and

(3) by adding at the end thereof the following new subsection:

"(b)(1) All actions under this Act shall be done with active consultation with tribes.

"(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including, but not limited to, tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented during the discussions, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.".

SEC. 5112. INDIAN EMPLOYMENT PREFERENCE.

(a) APPLICANTS.—Subsection (f)(1) of section 1131 of the Education Amendments of 1978 (25 U.S.C. 2011) is amended by striking out "an employee" and inserting in lieu thereof "an applicant or employee"

(b) PROVIDERS OF SUPPORT SERVICES.—

(1) Subparagraph (A) of section 1131(n)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(n)(1)(A)) is amended—

(A) by striking out "or" at the end of clause (ii), and

(B) by adding at the end thereof the following new clause:

"(iv) support services at, or associated with, the site of the school; or".

25 USC 2011 note.

(2) The amendments made by paragraph (1) shall apply with respect to an individual who is employed by the Bureau of Indian Affairs of the Department of the Interior on the date of enactment of this Act only if such individual elects, in such form and at such time as the Secretary of the Interior may prescribe, the application of such amendments with respect to such individual.

SEC. 5113. PERSONNEL COMPENSATION, RECRUITMENT, AND RETENTION STUDIES.

25 USC 2011 note.

Reports.

(a) IN GENERAL.—The Secretary shall conduct such studies and gather such information as may be necessary to prepare a report that the Secretary shall submit to the Congress by no later than the date that is 6 months after the date of enactment of this Act. The report shall compare personnel compensation in Bureau funded schools with—

(1) nearest public schools that—

(A) have successful educational programs, and

(B) are comparable in size, geographic location, grade levels, and student population characteristics to Bureau funded schools, and

(2) schools operated within the United States by the Department of Defense.

(b) INCLUSIONS.—The report required under subsection (a) shall include—

(1) detailed information on the current salaries and personnel benefits for comparable positions in the Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a),

(2) a comparison of starting salaries, tenure, length of service, educational and certification requirements, length of work year and work day, and fringe benefits between Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a),

(3) a projection of the compensation factors described in paragraphs (1) and (2) for Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a) over the next five years, and

(4) such additional information and analysis as the Secretary deems appropriate.

(c) FUNDING AND STAFF.—

(1) The cost of the studies and the report required under subsection (a) (including, but not limited to, costs for all con-

tracts, travel, and staff assigned to the study) shall be paid from amounts appropriated to the Bureau's Management and Administration subactivity of the General Administration activity, except that the salaries and personnel benefits of employees detailed to the study from the Office of Indian Education of the Bureau may continue to be charged to the amounts appropriated to the Bureau's Education account.

(2) If the Secretary does not conduct the studies required under subsection (a) by contract, the staff detailed to work on the studies and report required under subsection (a) shall include not less than two career employees from the Office of Indian Education of the Bureau who have substantial experience in the administration (at the level of an agency office) of school operations and in the drafting of personnel regulations, including but not limited to those under this Act.

(d) CONTRACTS.—The Secretary may conduct part or all of the studies required under subsection (a) through contracts entered into with one or more Indian education organizations.

(e) ADDITIONAL STUDIES.—The Secretary shall conduct such other studies of personnel compensation and recruitment in Bureau funded and public schools as are desirable in carrying out the purposes of title 11 of the Education Amendments of 1978.

(f) DEFINITIONS.—For purposes of this section—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

SEC. 5114. REGULAR COMPENSATION OF BUREAU EDUCATORS; NONVOLUNTARY FURLOUGHS.

(a) COMPENSATION.—Paragraph (1) of section 1131(h) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(1)) is amended—

(1) by inserting "or on the basis of the Federal Wage System schedule in effect for the locality" after "is applicable",

(2) by striking out "The Secretary shall" and inserting in lieu thereof "(A) Except as otherwise provided in this section, the Secretary shall", and

(3) by adding at the end thereof the following new subparagraphs:

"(B) By no later than the close of the 6-month period beginning on the date of enactment of the Indian Education Amendments of 1988, the Secretary shall establish, for contracts for the 1991-1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such Amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

"(C) By no later than the close of the 6-month period described in subparagraph (B), the Secretary shall establish the rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and home-living counselors)—

"(i) for contracts for the 1989-1990 academic year, at rates which reflect one-third of the changes in the rates applicable to such positions on the date of enactment of the Indian Education Amendments of 1988 that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991-1992 academic year, and

"(ii) for contracts for the 1990-1991 academic year, at rates which reflect two-thirds of such changes.

"(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of any individual employed in an education position on the day before the date of enactment of the Indian Education Amendments of 1988 if this paragraph did not apply to such individual on such day.

"(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

"(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made.

President of U.S.

"(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies—

"(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

"(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.".

(b) FURLOUGHS.—Section 1131 of the Education Amendments of 1978 (20 U.S.C. 2011) is amended by adding at the end thereof the following new subsection:

"(p)(1) No educator whose basic compensation is paid from funds allocated under section 1128 may be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

"(A) the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to a shortage of funds, and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length.

"(2) The supervisor of a Bureau school may appeal to the appropriate agency superintendent for education any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, approve the determination of the supervisor. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.".

SEC. 5115. POST DIFFERENTIALS.

Paragraph (3) of section 1131(h) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(3)) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(A) The Secretary", and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide one or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

The request under this subparagraph shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time it is approved, approved with modification, or disapproved by the Secretary.

"(ii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either—

"(I) the local school board requests that it be discontinued or decreased, or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

Reports

"(iii) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.".

SEC. 5116. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

Title XI of the Education Amendments of 1978 is amended—

(1) by striking out part C, and

(2) by adding at the end of part B the following new section:

20 USC 241aa note, 241bb-1.

"EARLY CHILDHOOD DEVELOPMENT PROGRAM

Grants. 25 USC 2022a.

"SEC. 1141. (a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe,

"(ii) the tribe that authorized such tribal organization, or

"(iii) any tribe that—

"(I) is a member of such consortium, or

"(II) authorizes any tribal organization that is a member of such consortium, bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a),

"(ii) is a member of a consortium that is eligible to receive such funds, or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members,

"(B) to any tribal organization which is authorized—

"(i) by only one tribe that has less than 500 members, or

"(ii) by one or more tribes that have a combined total membership of less than 500 members, or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care,

"(B) nutrition education,

"(C) health education and screening,

"(D) educational testing, and

"(E) other educational services,

"(2) may include instruction in the language, art, and culture of the tribe, and

"(3) shall provide for periodic assessment of the program.

"(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

Appropriation authorization.

"(f) There are authorized to be appropriated for fiscal year 1989, and for each succeeding fiscal year, $15,000,000 for the purpose of carrying out the provisions of this section.".

SEC. 5117. DEFINITIONS.

Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;",

(2) by redesignating paragraphs (4) through (10) as paragraphs (6) through (12), respectively, and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

"(5) the term 'contract school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract or agreement with the Bureau under section 102, 104(1), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(1), and 458d);".

SEC. 5118. SEQUESTRATION ORDERS.

Subsection (a) of section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009(a)) is amended by adding at the end thereof the following new paragraph:

"(5) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1128 for any fiscal year by more than 7 percent of the amount of funds available for allotment under section 1128 during the preceding fiscal year—

"(A) the Secretary may, notwithstanding any other provision of law, use—

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and "(ii) funds appropriated for any program that has been curtailed at any Bureau school,

to fund allotments made under section 1128, and

"(B) the Secretary may waive the application of the provisions of section 1121(g) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1128 for such fiscal year.".

SEC. 5119. TRIBAL DEPARTMENTS OF EDUCATION.

Grants.

Part B of title XI of the Education Amendments of 1978 is amended by adding at the end thereof the following new section:

"TRIBAL DEPARTMENTS OF EDUCATION

25 USC 2022b.

"SEC. 1142. (a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe,

"(2) reflect factors such as geographic and population diversity,

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

"(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

"(6) otherwise comply with regulations for grants under section 104(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

"(c)(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including (but not limited to) the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

but when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

Appropriation authorization.

"(e) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.".

SEC. 5120. SCHOOL BOUNDARIES.

Subsection (b) of section 1124 of the Education Amendments of 1978 (25 U.S.C. 2004(b)) is amended—

(1) by striking out "On or after" and inserting in lieu thereof "(1) Except as provided in paragraph (2), on or after", and

(2) by adding at the end thereof the following new paragraph:

"(2) In any case where there is more than one Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.".

PART B—TRIBALLY CONTROLLED SCHOOL GRANTS

Tribally Controlled Schools Act of 1988.
25 USC 2501 note.

SEC. 5201. SHORT TITLE.

This part may be cited as the "Tribally Controlled Schools Act of 1988".

SEC. 5202. FINDINGS.

25 USC 2501.

The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

(3) Indians will never surrender their desire to control their relationships both among themselves and with the non-Indian governments, organizations, and persons;

(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

(6) true local control requires the least possible Federal interference; and

(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

SEC. 5203. DECLARATION OF POLICY.

25 USC 2502.

(a) RECOGNITION.—The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

(b) COMMITMENT.—The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

(c) NATIONAL GOAL.—The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

(d) Educational Needs.—The Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

(e) Federal Relations.—The Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

(f) Termination.—The Congress hereby repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

25 USC 2503 **SEC. 5204. GRANTS AUTHORIZED.**

(a) In General.—

(1) The Secretary shall provide grants to Indian tribes, and tribal organizations, that—

(A) operate tribally controlled schools which are eligible for assistance under this part, and

(B) submit to the Secretary applications for such grants.

(2) Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is provided.

(3)(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education-related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including but not limited to, expenditures for—

(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes, and

(ii) support services for the school, including transportation.

(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operation and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

(C) If funds allocated to a tribally controlled school under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the Education of the Handicapped Act, or any Federal education law other than title XI of the Education Amendments of 1978 are included in a grant provided under this part, a portion of the grant equal to the amount of the funds allocated under such law shall be expended only for those activities for which funds provided under such law may be expended under the terms of such law.

(b) Limitations.—

(1) No more than one grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

(2) Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

(3) Funds provided under any grant made under this part may not be expended for administrative costs (as defined under section 1128A(e)(1) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128A of such Act.

(c) Limitation on Transfer of Funds Among Schoolsites.—

(1) In the case of a grantee which operates schools at more than one schoolsite, the grantee may expend no more than the lesser of—

(A) 10 percent of the funds allocated for a schoolsite under section 1128 of the Education Amendments of 1978, or

(B) $400,000 of such funds,

at any other schoolsite.

(2) For purposes of this subsection, the term "schoolsite" means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract with, the Bureau for which a discreet student count is identified under the funding formula established under section 1128 of the Education Amendments of 1978.

(d) No Requirement To Accept Grants.—Nothing in this part may be construed—

(1) to require a tribe or tribal organization to apply for or accept, or

(2) to allow any person to coerce any tribe or tribal organization into applying for, or accepting,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications, and the timing of such applications, shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided. Voluntarism.

(e) No Effect on Federal Responsibility.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

(f) Retrocession.—Whenever an Indian tribe requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary not more than 120 days after the date on which the tribe requests the retrocession, or such later date as may be mutually agreed upon by the Secretary and the tribe. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

(g) No Termination for Administrative Convenience.—Grants provided under this Act may not be terminated, modified, suspended, or reduced only for the convenience of the administering agency.

SEC. 5205. COMPOSITION OF GRANTS. 25 USC 2504.

(a) In General.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

(1) the total amount of funds allocated for such fiscal year under sections 1128 and 1128A of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part that are operated by such Indian tribe or tribal organization, including, but not limited to, funds

provided under such sections, or under any other provision of law, for transportation costs,

(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and other facilities accounts for such schools for such fiscal year under section 1126(d) of the Education Amendments of 1978 or under any other law, and

(3) the total amount of funds provided under—

(A) chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

(B) the Education of the Handicapped Act, and

(C) any other Federal education law,

that are allocated to such schools for such fiscal year.

(b) SPECIAL RULES.—

(1) In the allocation of funds under sections 1128, 1128A, and 1126(d) of the Education Amendments of 1978, tribally controlled schools for which grants are provided under this part shall be treated as contract schools.

(2) In the allocation of funds provided under—

(A) chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

(B) the Education of the Handicapped Act, and

(C) any other Federal education law,

that are distributed through the Bureau, tribally controlled schools for which grants are provided under this part shall be treated as Bureau schools.

(3)(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

(i) title I of the Elementary and Secondary Education Act of 1965,

(ii) the Education of the Handicapped Act, or

(iii) any Federal education law other than title XI of the Education Amendments of 1978.

(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii), or (iii) of subparagraph (A).

25 USC 2505

SEC. 5206. ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—

(1) A tribally controlled school is eligible for assistance under this part if the school—

(A) was, on the date of enactment of this Act, a school which received funds under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.),

(B) was a school operated (as either an elementary or secondary school or a combined program) by the Bureau and has met the requirements of subsection (b),

(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c), or

(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).

(2) Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of enactment of this Act shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

(b) Additional Requirements for Bureau Schools and Certain Electing Schools.—

(1) Any school that was operated as a Bureau school on the date of enactment of this Act, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school, and

(ii) make a determination of whether the school is eligible for assistance under this part, and

(B) the Secretary makes a determination that the school is eligible for assistance under this part.

(2)(A) By no later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

(i) if the school is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization, and

(ii) whether the school is eligible for assistance under this part.

(B) In considering applications submitted under paragraph (1)(A), the Secretary—

(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school, and

(ii) shall determine that the school is eligible for assistance under this part,

unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.

(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

(i) equipment,

(ii) bookkeeping and accounting procedures,

(iii) substantive knowledge of operating the school,

(iv) adequately trained personnel, or

(v) any other necessary components in the operation of the school.

(c) ADDITIONAL REQUIREMENTS FOR SCHOOLS THAT HAVE NOT RECEIVED BUREAU FUNDS.—

(1) A school for which the Bureau has not provided funds meets the requirements of this subsection if—

(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary of whether the school is eligible for assistance under this part, and

(B) the Secretary makes a determination that the school is eligible for assistance under this part.

(2)(A) By no later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

(i) with respect to the applicant's proposal—

(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

(II) geographic and demographic factors in the affected areas;

(III) adequacy of applicant's program plans;

(IV) geographic proximity of comparable public education; and

(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

(ii) with respect to all education services already available—

(I) geographic and demographic factors in the affected areas;

(II) adequacy and comparability of programs already available;

(III) consistency of available programs with tribal education codes or tribal legislation to education; and

(IV) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or an earlier date, at the Secretary's discretion.

(d) APPLICATIONS AND REPORTS.—

(1) All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the agency or area education officer designated by the Director of the Office of Indian Education of the Department of Education. The date on which such filing occurs shall, for purposes of this part, be treated as the date on which the application or amendment is submitted to the Secretary.

(2) Any application that is submitted under this part shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.

(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided in subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning with the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.

(f) DENIAL OF APPLICATIONS.—

(1) Whenever the Secretary declines to provide a grant under this part, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

(A) state the objections in writing to the tribe or tribal organization within the allotted time,

(B) provide assistance to the tribe or tribal organization to overcome all stated objections,

(C) provide the tribe or tribal organization a hearing, under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act, and

(D) provide an opportunity to appeal the objection raised.

(2) The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

(g) REPORT.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such actions), under this section at the same time that the President is required to submit to the Congress the budget under section 1105 of title 31, United States Code.

SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.

25 USC 2506

(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.

(b) ANNUAL REPORTS.—Each recipient of a grant provided under this part shall submit to the Secretary and to the tribal governing body (within the meaning of section 1121(j) of the Education Amendments of 1978) of the tribally controlled school an annual report that shall be limited to—

(1) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

(2) a biannual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

(3) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

(4) a program evaluation conducted by an impartial entity, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

(c) Revocation of Eligibility.—

(1)(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—

(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school, and

(ii) at least one of the following subclauses applies with respect to the school:

(I) The school is certified or accredited by a State or regional accrediting association as determined by the Secretary of Education, or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.

(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.

(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.

(IV) The school accepts the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

(V) A positive evaluation of the school is conducted once every 3 years under standards adopted by the contractor under a contract for a school entered into under the Indian Self-Determination and Education Assistance Act prior to the date of enactment of this Act, such evaluation to be conducted by an impartial evaluator agreed to by the Secretary and the grantee. Upon failure to agree on such an evaluator, the governing body of the tribe shall choose the evaluator or perform the evaluation.

(B) The choice of standards employed for purposes of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.

(2) The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A), until the Secretary—

(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1121(j) of the Education Amendments of 1978) of the tribally controlled school which states—

(i) the specific deficiencies that led to the revocation or resumption determination, and

(ii) the actions that are needed to remedy such deficiencies, and

(B) affords such authority an opportunity to effect any remedial actions.

The Secretary shall provide such technical assistance as is necessary to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).

SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.

25 USC 2507.

(a) PAYMENTS.—

(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in two payments:

(A) one payment to be made no later than October 1 of each fiscal year in an amount equal to one-half the amount paid during the preceding fiscal year to the grantee or a contractor that has elected to have the provisions of this part apply, and

(B) the second payment consisting of the remainder to which the grantee or contractor is entitled for the fiscal year to be made by no later than January 1 of the fiscal year.

(2) For any school for which no payment was made under this part in the preceding fiscal year, full payment of the amount computed for each fiscal year shall be made by January 1 of the fiscal year.

(b) INVESTMENT OF FUNDS.—

(1) Notwithstanding any other provision of law, any interest or investment income that accrues on any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law.

(2) Funds provided under this part may be—

(A) invested by the Indian tribe or tribal organization only in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States, or

(B) deposited only into accounts that are insured by an agency or instrumentality of the United States.

(c) RECOVERIES.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

25 USC 2508.

SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—All provisions of sections 5, 6, 7, 105, 109, and 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c, et seq.) except those provisions pertaining to indirect costs and length of contract, shall apply to grants provided under this part.

(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—

(1) Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of enactment of this Act may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.

(2) Any election made under paragraph (1) shall take effect on the later of—

(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made, or

(B) the date that is 60 days after the date of such election.

(c) NO DUPLICATION.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or service if a grant has been made under this part to pay such expenses.

25 USC 2509.

SEC. 5210. ROLE OF THE DIRECTOR.

Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

25 USC 2510.

SEC. 5211. REGULATIONS.

The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.

25 USC 2511.

SEC. 5212. DEFINITIONS.

For purposes of this part—

(1) The term "eligible Indian student" has the meaning of such term in section 1128(f) of the Education Amendments of 1978 (25 U.S.C. 2008(f)).

(2) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation (as defined in or established pursuant to the Alaskan Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3)(A) The term "tribal organization" means—

(i) the recognized governing body of any Indian tribe, or

(ii) any legally established organization of Indians which—

(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization, and

(II) includes the maximum participation of Indians in all phases of its activities.

(B) In any case in which a grant is provided under this part to an organization to perform services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "tribally controlled school" means a school, operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.

(6) The term "a local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(7) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

PART C—DEPARTMENT OF EDUCATION

Indian Education Act of 1988.
25 USC 2601 note.

SEC. 5301. SHORT TITLE.

This part may be cited as the "Indian Education Act of 1988".

Subpart 1—Financial Assistance to Local Educational Agencies for the Education of Indian Children

SEC. 5311. DECLARATION OF POLICY.

25 USC 2601.

In recognition of the special educational and culturally related academic needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational and culturally related academic needs, or both.

25 USC 2602.

SEC. 5312. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—The Secretary shall, in order to effectuate the policy set forth in section 5311, carry out a program of making grants to local educational agencies which are entitled to payments under this subpart and which have submitted, and have had approved, applications therefor, in accordance with the provisions of this subpart.

(b) AMOUNT OF GRANTS.—

(1)(A) For any fiscal year for which appropriations are authorized under section 5316 of this Act, the Secretary shall determine the number of eligible Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

(B) For purposes of this subpart, the term "eligible Indian children" means Indian children whom the Secretary has determined—

(i) were enrolled in a school of the local educational agency, and

(ii) were provided free public education by the local educational agency.

(2)(A) From the sums appropriated under section 5316(a) for any fiscal year, the Secretary shall allocate to each local educational agency which has an application approved under this subpart an amount which bears the same ratio to such sums as the product of—

(i) the number of eligible Indian children, multiplied by

(ii) the average per pupil expenditure per local educational agency,

bears to the sum of such products for all such local educational agencies.

(B) A local educational agency shall not be entitled to receive a grant under this subpart for any fiscal year unless the number of eligible Indian children, with respect to such agency, is at least 10 or constitutes at least 50 percent of its total enrollment. The requirements of this subparagraph shall not apply to any local educational agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency is equal to the amount determined by dividing—

(i) the sum of—

(I) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus

(II) any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), by

(ii) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

(3)(A) The first fiscal year for which schools operated by the Bureau of Indian Affairs of the Department of the Interior shall be treated as local educational agencies for the purposes of this subpart (other than sections 5314(b)(2)(B)(ii) and 5315(c)(2)) is the first fiscal year beginning after the date of enactment of this Act for which the amount of funds appropriated for allocation under this subsection equals or exceeds the amount of funds that, if such schools are not treated as local educational agencies, is necessary to allocate under paragraph (2) (determined without regard to subparagraph (B)) to each local educational agency which has an application approved under this subpart for such fiscal year an amount of funds for each eligible Indian child equal to the sum of—

(i) the average amount of funds per eligible Indian child that was received by such local educational agency for fiscal year 1988 under section 303(a)(2) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(2)), plus

(ii) 2 percent of the amount described in clause (i).

(B)(i) Notwithstanding any other provision of this subpart, for each fiscal year to which this clause applies—

(I) paragraph (2) shall first be applied to allocate the portion of the funds appropriated for such fiscal year for allocation under this subsection that does not exceed the amount determined to be necessary under subparagraph (A) among only those local educational agencies that received funds under section 303(a)(2) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C 241bb(a)(2)) for fiscal year 1988, and

(II) paragraph (2) shall then be applied to allocate the remaining portion (if any) of the funds appropriated for such fiscal year for allocation under this subsection among only those local educational agencies that are schools operated by the Bureau of Indian Affairs.

(ii) Clause (i) applies to the first fiscal year described in subparagraph (A), and each succeeding fiscal year, until the amount of funds appropriated for allocation under this subsection for any fiscal year beginning after the date of enactment of this Act equals or exceeds the amount of funds that, if all schools operated by the Bureau of Indian Affairs are treated as local educational agencies, is necessary to allocate under paragraph (2) (determined without regard to clause (i)) to each local educational agency which has an application approved under this subpart for such fiscal year an amount of funds for each eligible Indian child equal to the sum of—

(I) the average amount of funds per eligible Indian child that was received by such local educational agency for fiscal year 1988 under the Indian Elementary and Secondary School Assistance Act, plus

(II) 2 percent of the amount described in subclause (I).

(c) GRANTS TO SCHOOLS THAT ARE NOT, OR HAVE NOT BEEN, LOCAL EDUCATIONAL AGENCIES.—

(1) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this subpart, there is

hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments on the basis of entitlements computed under subsection (b) for that fiscal year, for the purpose of enabling the Secretary to provide financial assistance in accordance with the provisions of this subpart to schools—

(A) which are located on or near reservations; and

(B) which—

(i) are not local educational agencies, or

(ii) have not been local educational agencies for more than 3 years.

California. Oklahoma. Alaska.

(2) The requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California, Oklahoma, or Alaska.

(d) GRANTS FOR DEMONSTRATION PROJECTS.—In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this subpart, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments of entitlements computed under subsection (b) for that fiscal year, for the purpose of enabling the Secretary to make grants on a competitive basis to local educational agencies to support demonstration projects and programs which are designed to plan for and improve educational opportunities for Indian children, except that the Secretary shall reserve a portion not to exceed 25 percent of such funds to make grants for demonstration projects examining the special educational and culturally related academic needs that arise in school districts with high concentrations of Indian children.

25 USC 2603.

SEC. 5313. USES OF FEDERAL FUNDS.

Grants under this subpart may be used, in accordance with applications approved under section 5314, for—

(1) planning and development of programs specifically designed to meet the special educational or culturally related academic needs, or both, of Indian children, including pilot projects designed to test the effectiveness of plans so developed;

(2) the establishment, maintenance, and operation of such programs, including, in accordance with regulations of the Secretary, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment; and

(3) the training of counselors at schools eligible to receive funds under this subpart in counseling techniques relevant to the treatment of alcohol and substance abuse.

25 USC 2604.

SEC. 5314. APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL.

(a) IN GENERAL.—A grant provided under this subpart, except as provided in section 5312(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the activities and services for which assistance under this subpart is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purposes of section 5313, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) in the case of an application for payments for planning, provide that—

(A) the planning was or will be directly related to programs or projects to be carried out under this subpart and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this subpart, and

(B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this subpart;

(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

(5) set forth policies and procedures which assure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this subpart; and

Reports.
Records.

(7) provide for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this subpart and to determine the extent to which funds provided under this subpart have been effective in improving the educational opportunities of Indian students in the area served, and for the keeping of such records, and the affording of such access thereto, as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Approval of Applications.—An application by a local educational agency or agencies for a grant under this subpart may be approved only if it is consistent with the applicable provisions of this subpart and—

(1) meets the requirements set forth in subsection (a);

(2) provides that the program or project for which application is made—

(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

(B) has been developed—

(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(ii) with the participation and written approval of a committee—

(I) which is composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, and

(II) of which at least half the members shall be parents described in subclause (I);

(3) sets forth such policies and procedures including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of paragraph (2)(B)(ii); and

(4) provides that the parent committee formed pursuant to paragraph (2)(B)(ii) will adopt and abide by reasonable bylaws for the conduct of the program for which assistance is sought.

(c) AMENDMENTS OF APPLICATIONS.—Amendments of applications submitted under this subpart shall, except as the Secretary may otherwise provide by regulation, be subject to approval in the same manner as original applications.

(d) ELIGIBILITY FORMS.—

(1) The Secretary shall require that each application for a grant under this subpart for each fiscal year include a form for each eligible Indian child for whom the local educational agency is providing free public education that sets forth information establishing the status of the child as an eligible Indian child.

(2) The Secretary shall request on the form required under paragraph (1) at least the following information:

(A) either—

(i) the name of the tribe, band, or other organized group of Indians with which the child claims membership, along with the enrollment number establishing membership (if readily available), and the name and address of the organization which has updated and accurate membership data for such tribe, band, or other organized group of Indians, or

(ii) if the child is not a member of a tribe, band, or other organized group of Indians, the name, the enrollment number (if readily available) and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any of the child's parents or grandparents, from whom the child claims eligibility;

(B) whether the tribe, band, or other organized group of Indians with which the applicant, his parents, or grandparents claim membership is federally recognized;

(C) the name and address of the parent or legal guardian;

(D) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

(E) any other information which the Secretary deems necessary to provide an accurate program profile.

(3) Nothing in the requirements of paragraph (2) may be construed as affecting the definition set forth in section 5351(4). The failure of an applicant to furnish any information listed in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child.

(4) The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985-1986 academic year to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the only forms and standards of proof used to establish such eligibility and to meet the requirements of paragraph (1) after the date of enactment of this Act.

(5) For purposes of determining whether a child is an eligible Indian child, the membership of the child, or any parent or grandparent of the child, in a tribe, band, or other organized group of Indians may be established by proof other than an enrollment number, even if enrollment numbers for members of such tribe, band, or groups are available. Nothing in paragraph (2) may be construed as requiring the furnishing of enrollment numbers.

(e) AUDITING; PENALTIES FOR FALSE INFORMATION.—

Reports.

(1)(A) The Secretary shall establish a method of auditing, on an annual basis, a sample of not less than one-fourth of the total number of local education agencies receiving funds under this subpart and shall submit to the Congress an annual report on the findings of the audits.

(B) For purposes of any audit conducted by the Federal Government with respect to funds provide under this subpart, all procedures, practices, and policies that are established by—

(i) the Office of Indian Education of the Department of Education, or

(ii) a grantee under this subpart who, in establishing such procedures, practices, and policies, was acting under the direction of any employee of such Office that is authorized by the Director of such Office to provide such direction,

shall, with respect to the period beginning on the date of the establishment of such procedures, practices, and policies, and ending on the date (if any) on which the Director of such Office revokes authorization for such procedures, practices, and policies, be considered appropriate and acceptable procedures, practices, and policies which are in conformity with Federal law.

(C) No local education agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit conducted before the date of enactment of this Act that—

(i) relate to the date of completion, or the date of submission, of any forms used to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act, and

(ii) are the subject of any administrative or judicial proceeding pending on the date of enactment of this Act.

(2) Any local educational agency that provides false information in the application for a grant under this subpart shall be ineligible to apply for any other grants under this subpart and shall be liable to the United States for any funds provided under this subpart that have not been expended.

(3) Any student who provides false information on the form required under subsection (d)(1) may not be taken into account in determining the amount of any grant under this subpart.

25 USC 2605.

SEC. 5315. PAYMENTS.

(a) IN GENERAL.—The Secretary shall, subject to the provisions of section 5316, from time-to-time pay to each local educational agency which has had an application approved under section 5314, an amount equal to the amount estimated to be expended by such agency in carrying out activities under such application.

(b) DENIAL OF PAYMENTS IF PAYMENTS TAKEN INTO ACCOUNT BY STATE.—No payments shall be made under this subpart for any fiscal year to any local educational agency in a State which has taken into consideration payments under this subpart in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(c) REDUCTION FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) Except as provided in paragraph (2), a local educational agency may receive funds under this subpart for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(2) The State educational agency shall reduce the amount of the allocation of funds under this subpart in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of paragraph (1) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The State educational agency may waive, for 1 fiscal year only, the requirements of this subsection if the State educational agency determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

25 USC 2606.

SEC. 5316. AUTHORIZATION OF APPROPRIATIONS; ADJUSTMENTS.

(a) IN GENERAL.—For the purpose of making payments under this subpart, there are authorized to be appropriated—

(1) for fiscal year 1988, $70,000,000, and

(2) for each of the fiscal years 1989, 1990, 1991, 1992, and 1993, such sums as may be necessary.

(b) REALLOCATIONS.—The Secretary may reallocate, in such manner as will best assist in advancing the purposes of this subpart, any amount which the Secretary determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project.

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Subpart 2—Special Programs and Projects to Improve Educational Opportunities for Indian Children

Grants.

SEC. 5321. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

25 USC 2621.

(a) In General.—The Secretary shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate—

(A) the provision of educational services not available to Indian children in sufficient quantity or quality, and

(B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

(b) Demonstration Projects.—The Secretary is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, Indian organizations, and Indian institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

(1) innovative programs related to the educational needs of educationally deprived children;

(2) bilingual and bicultural education programs and projects;

(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

(4) coordination of the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

(c) Services and Programs To Improve Educational Opportunities.—

(1) The Secretary is authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Such grants may be used—

(A) to provide educational services not available to such children in sufficient quantity or quality, including—

AVAILABLE

(i) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

(ii) comprehensive academic and vocational instruction;

(iii) instructional materials (such as library books, textbooks, and other printed, published, or audiovisual materials) and equipment;

(iv) comprehensive guidance, counseling, and testing services;

(v) special education programs for handicapped and gifted and talented Indian children;

(vi) early childhood programs, including kindergarten;

(vii) bilingual and bicultural education programs; and

(viii) other services which meet the purposes of this subsection; and

(B) to establish and operate exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

(2) In addition to the grants provided under paragraph (1), the Secretary is authorized to provide grants to consortia of Indian tribes or tribal organizations, local educational agencies, and institutions of higher education for the purpose of developing, improving, and implementing a program of—

(A) encouraging Indian students to acquire a higher education, and

(B) reducing the incidence of dropouts among elementary and secondary school students.

(d) TRAINING.—

(1) The Secretary is authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

(A) to prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

(B) to improve the qualifications of such persons who are serving Indian students in such capacities.

(2) Grants made under this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

(3) In programs funded by grants authorized under this subsection, preference shall be given to the training of Indians.

(e) GRANTS FOR EVALUATION AND TECHNICAL ASSISTANCE.—

(1) The Secretary is authorized to make grants to, and to enter into contracts with, public agencies, State educational agencies in States in which more than 5,000 Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, and Indian organizations, and to make con-

tracts with private institutions and organizations, to establish, on a regional basis, information centers to—

(A) evaluate programs assisted under this Act and under other Indian education programs in order to determine their effectiveness in meeting the special educational and culturally related academic needs of Indian children and adults and to conduct research to determine those needs;

(B) provide technical assistance upon request to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and parent committees created pursuant to section 5314(b)(2)(B)(ii) in evaluating and carrying out programs assisted under this Act, through the provision of materials and personnel resources; and

Public information

(C) disseminate information upon request to the parties described in subparagraph (B) concerning all Federal education programs which affect the education of Indian children and adults, including information on successful models and programs designed to meet the special educational needs of Indian children.

Contracts

(2) Grants or contracts made under this subsection may be made for a term not to exceed 3 years and may be renewed for additional 3-year terms if provision is made to ensure annual review of the projects.

Contracts

(3) From funds appropriated under the authority of subsection (g)(1), the Secretary is authorized to make grants to, and to enter into contracts with, Indian tribes, Indian institutions, and Indian organizations, and public agencies and institutions for—

(A) the national dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

(B) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

(4) The sum of the grants made under this subsection to State educational agencies for any fiscal year shall not exceed 15 percent of the total amount of funds appropriated for the provision of grants under this subsection for such fiscal year.

(f) APPLICATIONS FOR GRANTS.—

(1) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

(A) set forth a statement describing the activities for which assistance is sought;

(B) in the case of an application for a grant under subsection (c)—

(i) subject to such criteria as the Secretary shall prescribe, provide for—

(I) the use of funds available under this section, and

(II) the coordination of other resources available to the applicant,

in order to ensure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section, and

(ii) provide for the training of personnel participating in the project; and

(C) provide for an evaluation of the effectiveness of the project in achieving its purpose and the purposes of this section.

(2)(A) The Secretary may approve an application for a grant under subsection (b), (c), or (d) only if the Secretary is satisfied that such application, and any document submitted with respect thereto—

(i) demonstrate that—

(I) there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and

(II) there will be such participation in the operation and evaluation of the project, and

(ii) provide for the participation, on an equitable basis, of eligible Indian children—

(I) who reside in the area to be served,

(II) who are enrolled in private nonprofit elementary and secondary schools, and

(III) whose needs are of the type which the program is intended to meet,

to the extent consistent with the number of such children.

(B) In approving applications under this section, the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

(3) The Secretary may approve an application for a grant under subsection (e) only if the Secretary is satisfied that the funds made available under that subsection will be used to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds provided under that subsection, be made available by the State or local educational agency for the activities described in that subsection, and in no case will be used to supplant those funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) For the purpose of making grants under the provisions of this section, there are authorized to be appropriated $35,000,000 for each fiscal year ending prior to October 1, 1993.

(2) For the purpose of making grants under subsection (e)(1), there are authorized to be appropriated $8,000,000 for each of the fiscal years ending prior to October 1, 1993.

25 USC 2622.

SEC. 5322. SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR THE TEACHERS OF INDIAN CHILDREN.

Contracts.

(a) IN GENERAL.—

(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the purpose of—

(A) preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian people, and

(B) providing in-service training for persons teaching in such programs.

(2) Priority shall be given in the awarding of grants, and in the entering into of contracts, under subsection (a) to Indian institutions and organizations.

(b) Fellowships and Traineeships.—

Contracts.

(1) In carrying out the provisions of this section, the Secretary is authorized to award fellowships and traineeships to individuals and to make grants to, and to enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the costs of education allowances.

(2) In awarding fellowships and traineeships under this subsection, the Secretary shall give preference to Indians.

(3) In the case of traineeships and fellowships, the Secretary is authorized to grant stipends to, and allowances for dependents of, persons receiving traineeships and fellowships.

(c) Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year ending prior to October 1, 1993, such sums as may be necessary to carry out the provisions of this section.

SEC. 5323. FELLOWSHIPS FOR INDIAN STUDENTS.

25 USC 2623.

(a) In General.—During each fiscal year ending prior to October 1, 1993, the Secretary is authorized to award fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not more than 4 academic years leading toward a post baccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields or leading to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

(b) Stipends.—The Secretary shall pay to persons awarded fellowships under subsection (a) such stipends (including such allowances for subsistence of such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(c) Payments to Institutions In Lieu of Tuition.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship awarded under subsection (a) is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Secretary may determine to be necessary to cover the cost of education provided the holder of such a fellowship.

(d) Special Rules.—

(1) The Secretary may, if a fellowship awarded under subsection (a) is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.

(2) By no later than the date that is 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of the amount of such fellowship and of any stipends or other payments that will be made under this section to, or for the benefit of, such individual for such academic term.

(3) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

(e) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 1989, and for each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this section.

25 USC 2624.

SEC. 5324. GIFTED AND TALENTED.

(a) Establishment of Centers.—The Secretary shall establish 2 centers for gifted and talented Indian students at tribally controlled community colleges.

Contracts.

(b) Demonstration Projects.—

(1) The Secretary shall award separate grants to, or enter into contracts with—

(A) 2 tribally controlled community colleges that—

(i) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978, and

(ii) are fully accredited, or

(B) if acceptable applications are not submitted to the Secretary by 2 of such colleges, the American Indian Higher Education Consortium,

for the establishment of centers under subsection (a) and for demonstration projects designed to address the special needs of Indian students in elementary and secondary schools who are gifted and talented and to provide those support services to their families that are needed to enable the students to benefit from the project.

Children's Television Network.

(2) Any person to whom a grant is made, or with whom a contract is entered into, under paragraph (1) may enter into a contract with any other persons, including the Children's Television Workshop, for the purpose of carrying out the demonstration projects for which such grant was awarded or for which the contract was entered into by the Secretary.

(3) Demonstration projects funded under this section may include—

(A) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these students and to the provision of those support services to their families that are needed to enable these students to benefit from the project;

(B) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions;

(C) the provision of technical assistance and the coordination of activities at schools which receive grants under subsection (d) with respect to the activities funded by such grants, the evaluation of programs at such schools funded by such grants, or the dissemination of such evaluations;

(D) the use of public television in meeting the special educational needs of such gifted and talented children;

(E) leadership programs designed to replicate programs for such children throughout the United States, including the dissemination of information derived from the demonstration projects conducted under this section; and

(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of those support services to their families that are needed to enable such children to benefit from the project.

(c) Additional Grants.—

(1) The Secretary, in consultation with the Secretary of the Interior, shall provide 5 grants to schools that are Bureau funded schools for program research and development regarding, and the development and dissemination of curriculum and teacher training material regarding—

(A) gifted and talented students,

(B) college preparatory studies (including programs for Indian students interested in teaching careers),

(C) students with special culturally related academic needs, including social, lingual, and cultural needs, and

(D) math and science education.

(2) Applications for the grants provided under paragraph (1) shall be submitted to the Secretary in such form and at such time as the Secretary may prescribe. Applications for such grants by Bureau schools, and the administration of any of such grants made to a Bureau school, shall be undertaken jointly by the supervisor of the Bureau school and the local school board.

(3) Grants may be provided under paragraph (1) for one or more activities described in paragraph (1).

(4) In providing grants under paragraph (1), the Secretary shall—

(A) achieve a mixture of programs described in paragraph (1) which ensures that students at all grade levels and in all geographic areas of the United States are able to participate in some programs funded by grants provided under this subsection, and

(B) ensure that a definition of the term "gifted and talented student" for purposes of this section and section 1128(c)(1)(A)(ii) of the Education Amendments of 1978 is developed as soon as possible.

(5) Subject to the availability of appropriated funds, grants provided under paragraph (1) shall be made for a 3-year period and may be renewed by the Secretary for additional 3-year periods if performance by the grantee is satisfactory to the Secretary.

(6)(A) The dissemination of any materials developed from activities funded by grants provided under paragraph (1) shall be carried out in cooperation with institutions receiving funds under subsection (b).

Reports.

(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (4)(B).

(7)(A) The costs of evaluating any activities funded by grants made under paragraph (1) shall be divided between the school conducting such activities and the evaluator.

Contracts.

(B) If no funds are provided under subsection (b) for—

(i) the evaluation of activities funded by grants made under paragraph (1),

(ii) technical assistance and coordination with respect to such activities, or

(iii) dissemination of such evaluations,

the Secretary shall, by grant or through contract, provide for such evaluations, technical assistance, coordination, and dissemination.

(d) Information Network.—The Secretary shall encourage persons to whom a grant is made, or with whom a contract is entered into, under this section to work cooperatively as a national network so that the information developed by such persons is readily available to the entire educational community.

(e) Authorization of Appropriations.—There are authorized to be appropriated $3,000,000 for each of the fiscal years 1988, 1989, 1990, 1991, 1992, and 1993 for the purpose of carrying out the provisions of this section. Such sums shall remain available until expended.

Grants.

Subpart 3—Special Programs Relating to Adult Education for Indians

25 USC 2631.

SEC. 5330. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

(a) In General.—The Secretary shall carry out a program of awarding grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

(2) to assist in the establishment and operation of programs which are designed to stimulate—

(A) the provision of basic literacy opportunities to all nonliterate Indian adults, and

(B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of high school completion among Indians; and

Public information.

(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

(b) Educational Services.—The Secretary is authorized to make grants to Indian tribes, Indian institutions, and Indian organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

Contracts.

(c) Information and Evaluation.—The Secretary is also authorized to make grants to, and to enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations for—

(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of such programs in achieving the purposes of such programs with respect to such adults.

(d) APPLICATIONS.—

(1) Applications for a grant under this section shall be submitted at such time, in such manner, contain such information, and be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

(A) set forth a statement describing the activities for which assistance is sought; and

(B) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

(2) The Secretary shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that—

(A) there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and

(B) there will be such a participation in the operation and evaluation of the project.

(3) In approving applications under subsection (a), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1989, and for each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this section.

Subpart 4—Program Administration

SEC. 5341. OFFICE OF INDIAN EDUCATION.

Establishment.
25 USC 2641.

(a) IN GENERAL.—There is established, in the Department of Education, an Office of Indian Education.

(b) DIRECTOR.—

(1) The Office of Indian Education shall be under the direction of the Director of the Office of Indian Education, who shall be appointed by the Secretary from a list of nominees submitted to the Secretary by the National Advisory Council on Indian Education.

(2) The Director of the Office of Indian Education shall—

(A) be responsible for administering the provisions of this part,

(B) be responsible for the development of all policies and procedures relative to the implementation of this part,

(C) be involved in, and primarily responsible for, development of all policies affecting Indians under programs within the Office of Elementary and Secondary Education of the Department of Education, and

(D) coordinate the development of policy and practices for all programs in the Department of Education relating to Indians and Alaskan Natives.

(2) The Director of the Office of Indian Education shall report directly to the Assistant Secretary of Education for Elementary and Secondary Education.

(3) The Director of the Office of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of

title 5, United States Code, and shall perform such duties as are delegated or assigned to the Director by the Secretary. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

(c) INDIAN PREFERENCE.—

(1)(A) All professional staff within the Office of Indian Education shall have experience with Indian education programs. The Secretary shall give a preference to Indians in all personnel actions within the Office of Indian Education. Such preference shall be implemented in the same fashion as the preference given to any veteran referred to in subparagraph (A), (B), or (C) of section 2108(3) of title 5, United States Code.

(B) The provisions of this paragraph shall apply to all personnel actions taken after the date of enactment of this Act.

(2) The Secretary shall provide a one-time preference for qualified individuals who—

(A) are not Indians,

(B) are serving within the Office of Indian Education on the date of enactment of this Act, and

(C) desire to take another position in the Department of Education which is not within the Office of Indian Education and for which there is a vacancy.

Establishment. 25 USC 2642.

SEC. 5342. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(a) IN GENERAL.—

(1) There is hereby established the National Advisory Council on Indian Education (hereafter in this subpart referred to as the "National Council"), which—

(A) shall consist of 15 members who are Indians appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and

(B) shall represent diverse geographic areas of the country.

Termination date.

(2) Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until October 1, 1993.

(b) FUNCTIONS.—The National Council shall—

(1) advise the Secretary with respect to—

(A) the administration (including the development of regulations and of administrative practices and policies) of any program—

(i) in which Indian children or adults participate, or

(ii) from which they can benefit, including this part, and

(B) adequate funding of such programs;

(2) review applications for assistance under this part and make recommendations to the Secretary with respect to their approval;

(3) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under subpart 1; Regulations.

(6) submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in such position occurs, and

(7) submit to the Congress by no later than June 30 of each year a report on its activities, which shall include— Reports.

(A) any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, and

(B) a statement of the National Council's recommendations to the Secretary with respect to the funding of any such programs.

(c) CONTRACTING.—With respect to functions of the National Council described in paragraphs (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) FUNDING.—From sums appropriated pursuant to section 400(d) of the General Education Provisions Act which are available for part D of such Act, the Secretary shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

SEC. 5343. AUTHORIZATION OF APPROPRIATIONS. 25 USC 2643.

There are authorized to be appropriated for fiscal year 1989, and each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this subpart.

Subpart 5—Miscellaneous

SEC. 5351. DEFINITIONS. 25 USC 2651.

For purposes of this part—

(1) The term "adult" means any individual who—

(A) is 16 years old or older, or

(B) who is beyond the age of compulsory school attendance under State law.

(2) The term "adult education" means instruction or services below college level for adults who are not enrolled in a secondary school and who do not have—

(A) the basic skills to enable them to function effectively in society, or

(B) a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education).

(3) The term "free public education" means education that is provided at public expense, under public supervision and direction, and without tuition charge, and that is provided as elementary or secondary education in the applicable State.

(4) The term "Indian" means any individual who is—

(A) a member of an Indian tribe, band, or other organized group of Indians (as defined by the Indian tribe, band, or other organized group), including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside,

(B) a descendant, in the first or second degree, of an individual described in subparagraph (A),

(C) considered by the Secretary of the Interior to be an Indian for any purpose,

(D) an Eskimo, Aleut, or other Alaska Native, or

(E) is determined to be an Indian under regulations promulgated by the Secretary after consultation with the National Advisory Council on Indian Education.

(5)(A) The term "local educational agency" has the meaning given to such term by section 198(a)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854(a)(10)).

(B) The term "local educational agency", for purposes of subpart 1 (except for sections 5314(b)(2)(B)(ii) and 5315(c)(2)) includes—

(i) any Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, that operates a school for the children of that tribe if the school either—

(I) provides its students an educational program that meets the standards established by the Secretary of the Interior under section 1121 of the Education Amendments of 1978, or

(II) is operated by that tribe or organization under a contract with the Department of the Interior in accordance with the Indian Self-Determination and Education Assistance Act, and

(ii) for the fiscal year described in section 5312(b)(3)(A) and each succeeding fiscal year, any school operated by the Bureau of Indian Affairs of the Department of the Interior, either individually or in cooperation with any other local education agency.

(6) The term "parent" includes an individual acting in loco parentis, other than by virtue of being a school administrator or official.

(7) The term "Secretary" means the Secretary of Education.

(8) The terms "Bureau school", "contract school", and "Bureau funded school" have the respective meaning given to such terms by section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019).

SEC. 5352. CONFORMING AMENDMENTS.

The following provisions of law are hereby repealed:

(1) The Indian Elementary and Secondary School Assistance Act.

20 USC 241aa *et seq.*

(2) Section 1005 of the Elementary and Secondary Education Act of 1965.

20 USC 3385.

(3) Section 315 of the Adult Education Act.

(4) Sections 421(b)(2), 422, 423, 441, 442, and 453 of the Indian Education Act (title IV of Public Law 92-318).

20 USC 1211, 1411 note, 3385a, 3385b, 1221f-1221h.

PART D—MISCELLANEOUS PROVISIONS

SEC. 5401. NAVAJO COMMUNITY COLLEGE.

Paragraph (1) of section 5(b) of the Navajo Community College Act (25 U.S.C. 640c-1(b)(1)) is amended to read as follows:

Appropriation authorization.
Grants.

"(1) There are authorized to be appropriated for grants to the Navajo Community College, for each fiscal year, an amount necessary to pay expenses incurred for—

"(A) the maintenance and operation of the college, including—

"(i) basic, special, developmental, vocational, technical, and special handicapped education costs,

"(ii) annual capital expenditures, including equipment needs, minor capital improvements and remodeling projects, physical plant maintenance and operation costs, and exceptions and supplemental need account, and

"(iii) summer and special interest programs,

"(B) major capital improvements, including internal capital outlay funds and capital improvement projects,

"(C) mandatory payments, including payments due on bonds, loans, notes, or lease purchases, and

"(D) supplemental student services, including student housing, food service, and the provision of access to books and services.".

SEC. 5402. PAYMENT OF GRANTS; INTEREST.

(a) TRIBALLY CONTROLLED COMMUNITY COLLEGES.—Subsection (b) of section 108 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808(b)) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(1) The Secretary", and

(2) by adding at the end thereof the following new paragraphs: Securities.

"(2) Notwithstanding any other provision of law, the Secretary shall not, in disbursing funds provided under this title, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under this title.

"(3)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under this title after such funds are paid to the tribally controlled community college and before such funds are expended for the purpose for which such funds were provided under this title shall be the property of the tribally controlled community college and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to the tribally controlled community college under any provision of Federal law.

"(B) All interest or investment income described in subparagraph (A) shall be expended by the tribally controlled community college by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

"(4) Funds provided under this title may only be invested by the tribally controlled community college in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.".

(b) NAVAJO COMMUNITY COLLEGE.—The Navajo Community College Act is amended by adding at the end thereof the following new section:

"PAYMENTS; INTEREST

"SEC. 7. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall not, in disbursing funds provided under this Act, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under this Act. 25 USC 640c-3.

Securities. "(b)(1)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under this Act after such funds are paid to the Navajo Community College and before such funds are expended for the purpose for which such funds were provided under this Act shall be the property of the Navajo Community College and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to the Navajo Community College under any provision of Federal law.

"(B) All interest or investment income described in subparagraph (A) shall be expended by the Navajo Community College by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

"(2) Funds provided under this Act may only be invested by the Navajo Community College in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.".

SEC. 5403. MATCHING FUNDS.

(a) Tribally Controlled Community Colleges.—Section 109 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1809) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, funds provided under this title to the tribally controlled community college may be treated as non-Federal, private funds of the college for purposes of any provision of Federal law which requires that non-Federal or private funds of the college be used in a project or for a specific purpose.".

25 USC 640c-2. (b) Navajo Community College.—Section 6 of the Navajo Community College Act is amended—

(1) by striking out "Except" and inserting in lieu thereof "(a) Except", and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, funds provided under this Act to the Navajo Community College may be treated as non-Federal, private funds of the College for purposes of any provision of Federal law which requires that non-Federal or private funds of the college be used in a project or for a specific purpose.".

25 USC 309b. (c) Vocational Education Funds.—Notwithstanding any other provision of law, funds provided by the Bureau for adult vocational education to any vocational school (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965) may be treated as non-Federal, private funds of such school for purposes of any provision of Federal law which requires that non-Federal or private funds of such school be used in a project or for a specific purpose.

25 USC 13d-2.

SEC. 5404. ENROLLMENT AND GENERAL ASSISTANCE PAYMENTS.

(a) In General.—The Secretary of the Interior shall not disqualify from continued receipt of general assistance payments from the Bureau of Indian Affairs an otherwise eligible Indian for whom the Bureau has been making general assistance payments for at least 3 months (or exclude such an individual from continued consideration in determining the amount of general assistance payments for a household) because the individual is enrolled (and is making satisfactory progress toward completion of a program or training that can reasonably be expected to lead to gainful employment) for at least half-time study or training in—

(1) a college assisted by the Bureau under the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801) or the Navajo Community College Act (85 Stat. 645; 25 U.S.C. 640a);

(2) an institution of higher education or a vocational school (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965);

(3) a course the Secretary determines will lead to a high school diploma or an equivalent certificate; or

(4) other programs or training approved by the Secretary.

(b) Factors Not To Be Considered.—In determining the amount of general assistance provided by the Bureau of Indian Affairs, the Secretary of the Interior shall not include consideration of—

(1) additional expenses in connection with the study or training described in subsection (a), and

(2) the amount of any financial assistance received by the individual as a student or trainee.

(c) No Effect on Other Eligibility Requirements.—This section does not alter any eligibility requirement for general assistance from the Bureau of Indian Affairs other than the requirement to be available for employment and to seek employment.

SEC. 5405. USE OF BUREAU FACILITIES.

25 USC 17.

(a) In General.—The Secretary of the Interior may permit tribal, student, and other non-Federal organizations to use facilities, lands, and equipment administered by the Bureau of Indian Affairs if such use does not interfere with the purpose for which the facilities, land, and equipment are administered by the Bureau. The Secretary of the Interior may charge the user for the actual or estimated additional cost of utilities or other expenses incurred because of the use and the amounts collected shall be credited to the appropriation or fund from which the expenses are paid.

(b) Scope of Authority.—The authority provided by this section is in addition to, and not in derogation of, any other authority available to the Secretary of the Interior.

SEC. 5406. INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

(a) Termination of Civil Service Positions.—Paragraph (1) of section 1509(g) of the Higher Education Amendments of 1986 (20 U.S.C. 4416(g)(1)) is amended by striking out "At the end of the 2-year period beginning on the date referred to in section 1514(f)" and inserting in lieu thereof "On June 30, 1989".

(b) Endowment Program.—Section 1518 of the Higher Education Amendments of 1986 (20 U.S.C. 4425) is amended—

(1) by striking out "From the amount appropriated pursuant to section 1521(a), the Secretary shall make available to the Institute not more than $500,000 which" in subsection (a)(1) and and inserting in lieu thereof "From amounts appropriated under section 1531(a), not more than $500,000", and

(2) by striking out "Allocation of Funds.—From the amount appropriated pursuant to section 1521(a), the Secretary shall allocate to the Institute an amount for" in subsection (d) and inserting in lieu thereof "Payment of Federal Contribu-

TION.—Amounts appropriated under section 1531(a) for use under this section shall be paid by the Secretary of the Treasury to the Institute as".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1531 of the Higher Education Amendments of 1986 (20 U.S.C. 4451(a)) is amended to read as follows:

"(a) PART A.—

"(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of part A.

"(2) Funds appropriated under the authority of paragraph (1) shall remain available without fiscal year limitation.

"(3) Except as provided for amounts subject to section 1518(d), amounts appropriated under the authority of this subsection for fiscal year 1989, and for each succeeding fiscal year, shall be paid to the Institute at the later of—

"(A) the beginning of the fiscal year, or

"(B) upon enactment of such appropriation.".

(d) UNOBLIGATED APPROPRIATION AND RESPONSIBILITY FOR OBLIGATIONS.—Subsection (e) of section 1514 of the Higher Education Amendments of 1986 (20 U.S.C. 4421(e)) is amended by adding at the end thereof the following new paragraphs:

"(3) Any funds appropriated for the Institute for fiscal year 1988 that are not expended or obligated on the date described in paragraph (2) shall be paid to the Institute within 10 days of that date.

"(4) The Institute shall be responsible for all obligations of the Institute incurred after the date described in paragraph (2) and the Secretary of the Interior shall be responsible for all obligations of the Institute incurred on or before that date.

(e) ACCOUNTING FOR NON-FEDERAL FUNDS.—Section 1507 of the Higher Education Amendments of 1986 (20 U.S.C. 4414) is amended—

(1) by striking out "In carrying out" and inserting in lieu thereof "(a) IN GENERAL.—In carrying out", and

(2) by adding at the end thereof the following new subsection:

"(b) ACCOUNTING FOR NON-FEDERAL FUNDS.—Any funds received by, or under the control of, the Institute that are not Federal funds shall be accounted for separately from Federal funds.".

(f) BUDGET PROPOSALS.—Subsection (b) of section 1515 of the Higher Education Amendments of 1986 (20 U.S.C. 4422(b)) is amended—

(1) by striking out "During the 2-year period beginning on the date referred to in section 1514(f)" in paragraph (1) and inserting in lieu thereof "Prior to October 1, 1988", and

(2) by striking out "the period described in paragraph (1)" in paragraph (2) and inserting in lieu thereof "September 30, 1988".

PART E—WHITE HOUSE CONFERENCE ON INDIAN EDUCATION

25 USC 2001 note

SEC. 5501. FINDINGS.

The Congress finds that—

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(1) the Government of the United States has a special relationship with the Indians which has given rise to a responsibility to assure superior educational opportunities for all Indians;

(2) this responsibility is being carried out by Federal schools and federally funded programs;

(3) while the States provide educational services to the majority of Indian students in the United States, the State services are largely funded by Federal funds and are not, in any way, in derogation of the Federal responsibility;

(4) changes in the Federal and State systems in the past decade and the growth of tribal control over schools has led to substantial improvements in the educational opportunities and successes of Indian students;

(5) substantial and substantive problems continue to exist and interfere with the realization of full opportunities for Indian students; and

(6) identification of these problems through the convening of a White House conference will facilitate formulation of solutions.

SEC. 5502. AUTHORIZATION TO CALL CONFERENCE.

25 USC 2001 note.
President of U.S.

(a) In General.—The President shall call and conduct a White House Conference on Indian Education (hereafter in this part referred to as the "Conference") which shall be held not earlier than September 1, 1989, and not later than September 30, 1991.

(b) Purpose.—The purpose of the White House Conference on Indian Education shall be to—

(1) explore the feasibility of establishing an independent Board of Indian Education that would assume responsibility for all existing Federal programs relating to the education of Indians, and

(2) develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians, in accordance with the findings set forth in section 5501.

SEC. 5503. COMPOSITION OF CONFERENCE.

25 USC 2001 note.

(a) In General.—The Conference shall be composed of—

(1) representatives of the Bureau of Indian Affairs of the Department of the Interior;

(2) representatives of Indian educational institutions, public schools, agencies, organizations and associations that deal with the education of Indians;

(3) educators from reservations and urban areas where Indians make up a substantial portion of the student population; and

(4) individuals with a special knowledge of, and special competence in dealing with, Indians and Indian problems, including education and health.

(b) Selection.—The President shall select one-third of the participants of the Conference, the Speaker of the House of Representatives shall select one-third of the participants, and the President pro tempore of the Senate shall select the remaining one-third of the participants.

(c) Distribution of Participants.—In selecting the participants of the Conference the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall ensure that—

(1) one-fourth of the participants are individuals who are currently active educators on Indian reservations;

(2) one-fourth of the participants are educators selected from urban areas with large concentrations of Indians;

(3) one-fourth of the participants are individuals who are Federal and tribal government officials; and

(4) one-fourth of the participants are Indians, including members of Indian tribes that are not recognized by the Federal Government.

25 USC 2001 note.

SEC. 5504. ADMINISTRATIVE PROVISIONS.

(a) Planning and Direction.—The Conference shall be planned and conducted by the Interagency Task Force on the White House Conference on Indian Education (hereafter in this part referred to as the "Task Force").

(b) Establishment of Task Force.—

(1) If the President calls the Conference, the Secretary of the Interior and the Secretary of Education, acting jointly, shall establish the Task Force on the White House Conference on Indian Education which shall consist of such employees of the Department of the Interior and the Department of Education as the Secretary of the Interior and the Secretary of Education determine to be necessary to enable the Task Force to carry out its duties.

(2) The Secretary of the Interior and the Secretary of Education shall each appoint no less than 2 professional staff members and one support staff member to the Task Force.

(3) All staff assigned to the Task Force shall work on preparations for, and the conduct of, the Conference on a full-time basis.

(4) The Secretary of the Interior shall provide office space and materials for the Task Force, including an allowance for mailing costs.

(5) Each professional staff person appointed to the Task Force shall have expertise directly related to Indian education and at least one person appointed by the Secretary of the Interior shall be experienced in dealing with the Congress, Indian tribes, and nongovernmental organizations.

(6) The Secretary of the Interior and the Secretary of Education, acting jointly, shall designate one staff person as the Director of the Task Force.

(c) Function of the Task Force.—The Task Force shall—

(1) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(2) prepare and make available background materials for the use of participants in the Conference and any associated State conferences, and prepare and distribute such reports of the Conference and of any associated State conferences as may be appropriate;

(3) make technical and financial assistance (by grants, contracts, or otherwise) available to the States and intertribal organizations to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(4) conduct fiscal oversight activities with respect to the preparation for, and the convening of, the Conference, including contracting for the services of an auditor.

(d) FEDERAL AGENCY COOPERATION AND ASSISTANCE.—

(1) Each Federal department and agency shall cooperate with, and provide assistance to, the Task Force upon request made by the Task Force under subsection (c)(1). For that purpose, each Federal department and agency is authorized and encouraged to provide personnel to the Task Force.

(2) The Commissioner of the Administration for Native Americans of the Department of Health and Human Services and the Director of the Indian Health Service of the Department of Health and Human Services are authorized to detail personnel to the Task Force, upon request, to enable the Task Force to carry out its functions under this part.

(e) PERSONNEL.—In carrying out the provisions of this part, the Task Force is authorized to engage such personnel as may be necessary to assist the Conference and the Advisory Committee of the Conference, without regard for the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(f) EXPENSES.—Participants in the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed such travel expenses, including per diem in lieu of subsistence, as are allowed under section 5703 of title 5, United States Code. Such expenses may be paid by way of advances, reimbursement, or in installments, as the Task Force may determine.

SEC. 5505. REPORTS.

25 USC 2001 note.

(a) IN GENERAL.—A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than 120 days following the close of the Conference. The final report shall be made public and, within 90 days after its receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations of the President with respect to such report.

Public information.

(b) DISTRIBUTION.—The Conference is authorized to publish and distribute for the Conference the reports authorized under this part. Copies of all such reports shall be provided to the Federal depository libraries.

Public information.

SEC. 5506. ADVISORY COMMITTEE.

Establishment.
25 USC 2001 note.

(a) COMPOSITION.—There is hereby established the Advisory Committee of the Conference (hereafter in this part referred to as the "Advisory Committee") composed of—

(1) five individuals designated by the Speaker of the House of Representatives, with not more than three being Members of the House of Representatives;

(2) five individuals designated by the President pro tempore of the Senate, with not more than three being Members of the Senate;

(3) ten individuals appointed by the President;

(4) the Assistant Secretary of the Interior for Indian Affairs or a delegate of the Assistant Secretary;

(5) the Secretary of Education or a delegate of the Secretary; and

(6) the Director of the Task Force.

The President, the President pro tempore of the Senate, and the Speaker of the House of Representatives, shall, after consultation with Indian tribes, ensure that members of the Advisory Committee are broadly representative of all Indians of the United States.

(b) Function.—The Advisory Committee shall assist and advise the Task Force in planning and conducting the Conference.

(c) Administration.—

(1) The Director of the Task Force shall serve as vice chairman of the Advisory Committee. The Advisory Committee shall elect the chairman of the Advisory Committee from among those members of the Advisory Committee who are not full-time Federal employees.

(2) The Advisory Committee shall select the chairman of the Conference.

(3) The chairman of the Advisory Committee is authorized to establish, prescribe functions for, and appoint members to such advisory and technical committees as may be necessary to assist and advise the Task Force in carrying out its duties.

(d) Compensation.—Members of any committee established under this section who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation at a rate fixed by the President that does not exceed the rate of pay specified at the time of such service for grade GS-18 under section 5332, of title 5, United States Code, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code.

25 USC 2001 note.
Grants.

SEC. 5507. GIFTS AND TITLE TO CERTAIN PROPERTY.

(a) Gifts.—The Task Force shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Task Force in furtherance of the Conference. Such grants, gifts, or bequests offered the Task Force, shall be paid by the donor or his representative into the Treasury of the United States in a special account to the credit of the Conference for the purposes of this part.

(b) Disposition of Materials.—Materials and equipment acquired for the use of the Conference, or for the Task Force, shall be transferred to the Bureau of Indian Affairs after the close of the Conference.

25 USC 2001 note.

SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of the fiscal years 1988, 1989, and 1990 such sums as may be necessary to carry out this part. Such sums shall remain available until expended.

APPENDIX H

Public Law 100-427
100th Congress

An Act

To make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

Sept. 9, 1988
[H.R. 5174]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUREAU FUNDED SCHOOLS.

(a) FACTORS.—Section 1121(k)(1) of the Education Amendments of 1978 (25 U.S.C. 2001(k)(1)) is amended—

(1) in subparagraph (A)(i)—

(A) by striking out "has not previously received funds from the Bureau" and inserting in lieu thereof "is not a Bureau funded school";

(B) by striking out "Bureau school board" and inserting in lieu thereof "school board of any Bureau funded school";

(C) by striking out "has not previously been operated or funded by the Bureau" in subclause (I) and inserting in lieu thereof "is not a Bureau funded school"; and

(D) by striking out "any program currently funded by the Bureau" in subclause (II) and inserting in lieu thereof "a Bureau funded school"; and

(2) in subparagraph (B)(iii), by striking out "a Bureau operated program" and inserting in lieu thereof "a Bureau funded school".

(b) APPLICATION.—Section 1121(k)(6)(A) of the Education Amendments of 1978 (25 U.S.C. 2001(k)(6)(A)) is amended—

(1) by striking out "tribally controlled school" and inserting in lieu thereof "contract school"; and

(2) by striking out "the date of enactment of this Act" and inserting in lieu thereof "April 28, 1988,".

(c) DEFINITIONS.—(1) Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(A) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) the term 'Office' means the Office of Indian Education Programs within the Bureau;".

(2) Section 1139(5) of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(A) by striking out "104(1)" and inserting in lieu thereof "104(a)"; and

(B) by striking out "450h(1)" and inserting in lieu thereof "450h(a)".

(3) Section 1126(a) of the Education Amendments of 1978 (25 U.S.C. 2006(a)) is amended by striking out "(hereinafter referred to as the 'Office')".

SEC. 2. ALLOTMENT FORMULA.

(a) FISCAL YEAR 1990.—Section 1128(c)(1)(B) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(1)(B)) is amended by striking out "an average daily attendance of" and inserting in lieu thereof "an enrollment of".

(b) TECHNICAL AMENDMENTS.—(1) Clause (i) of section 1128(c)(4)(A) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(4)(A)) is amended by striking out "Amendments" and inserting in lieu thereof "Act".

(2) Clause (iii) of section 5107(b)(1)(A) of the Indian Education Amendments of 1988 (20 U.S.C. 1411 note) is amended—

(A) by striking out "602(1)" and inserting in lieu thereof "602(a)(1)"; and

(B) by striking out "401(1)" and inserting in lieu thereof "1401(a)(1)".

(c) CONTRACT SCHOOLS TREATED AS POLITICAL SUBDIVISIONS.—Section 1128(c)(5) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(5)) is amended by striking out "schools operated by Indian tribes" and inserting in lieu thereof "contract schools".

SEC. 3. EMERGENCIES AND UNFORESEEN CONTINGENCIES.

Section 1128(d) of the Education Amendments of 1978 (25 U.S.C. 2008(d)) is amended to read as follows:

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.".

Reports.

SEC. 4. ADMINISTRATIVE COST GRANTS.

(a) AMOUNT OF GRANT; RATE APPLICABLE ONLY TO EDUCATIONAL ACTIVITIES.—Section 1128A(b)(1) of the Education Amendments of 1978 (25 U.S.C. 2008a(b)(1)) is amended—

(1) by striking out "to each of the direct cost education programs" and inserting in lieu thereof "to the aggregate of the Bureau elementary and secondary functions"; and

(2) by adding at the end thereof the following new sentence: "The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.".

(b) SINGLE ADMINISTRATIVE COST ACCOUNT.—Subsection (d)(1)(A) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended by inserting "tribe or" before "contract school" each place it appears.

(c) STUDIES.—Subsection (f) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.".

(d) Grant Schools.—Section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended by adding at the end thereof the following new subsection:

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.".

SEC. 5. SCHOOL BOARD TRAINING.

(a) Effective Date.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended by adding at the end thereof the following new subparagraph:

"(D) This paragraph shall take effect on October 1, 1989.".

(b) Set-Aside Amount.—Clause (ii) of section 1128(c)(3)(C) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)(C)) is amended by striking out "2 percent" and inserting in lieu thereof "1 percent".

SEC. 6. COORDINATED PROGRAMS.

Section 1129(f)(1) of the Education Amendments of 1978 (25 U.S.C. 2009(f)(1)) is amended—

(1) by striking out "a school" and inserting in lieu thereof "a Bureau school";

(2) by striking out "whose children are served by a program operated by the Bureau";

(3) by striking out "education programs operated by the Bureau" and inserting in lieu thereof "the school"; and

(4) in subparagraph (A), by striking out "if a facility operated by the Bureau which is currently accredited by a State or regional accrediting entity would continue to be accredited" and inserting in lieu thereof "unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited".

SEC. 7. CONSULTATION.

Section 1130(b)(2) of the Education Amendments of 1978 (25 U.S.C. 2010(b)(2)) is amended by striking out "from information educed or presented during the discussions" and substituting in lieu thereof "from information educed or presented by the interested parties during one or more of the discussions and deliberations.".

SEC. 8. PERSONNEL STUDIES.

Section 5113 of the Indian Education Amendments of 1988 (25 U.S.C. 2011 note) is amended—

(1) in subsection (a)(2), by striking out "schools operated within the United States" and inserting in lieu thereof "elementary and secondary schools operated"; and

(2) in subsection (e), by striking out "11" and inserting in lieu thereof "XI".

SEC. 9. REGULAR COMPENSATION OF BUREAU EDUCATORS; NON-VOLUNTARY FURLOUGHS.

(a) COMPENSATION.—Section 1131(h)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(1)) is amended—

(1) in subparagraph (B), by striking out "the close of the 6-month period beginning on the date of enactment of the Indian Education Amendments of 1988" and inserting in lieu thereof "October 28, 1988";

(2) in subparagraph (C), by striking out "the close of the 6-month period described in subparagraph (B)" and inserting in lieu thereof "October 28, 1988";

(3) in subparagraph (C)(i), by striking out "the date of enactment of the Indian Education Amendments of 1988" and inserting in lieu thereof "April 28, 1988,";

(4) in subparagraph (E)(i), by striking out "any individual employed in an education position on the day before the date of enactment of the Indian Education Amendments of 1988 if this paragraph did not apply to such individual on such day" and inserting in lieu thereof "an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o)"; and

(5) in subparagraph (E)(iii), by inserting before the period ", except that the individual must use leave accrued during a contract period by the end of that contract period".

(b) APPLICATION.—Section 1131(o) of the Education Amendments of 1978 (25 U.S.C. 2011(o)) is amended—

(1) in paragraph (1)—

(A) by striking out "This section shall apply with respect to any individual hired after the effective date of subsection (a)(2) for employment in an education position" and inserting in lieu thereof "Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2))"; and

(B) by striking out "any individual employed immediately before the effective date of subsection (a)(2)" and inserting in lieu thereof "an individual employed on October 31, 1979"; and

(2) in paragraph (2)—

(A) by striking out "position immediately before the effective date of subsection (a)(2) may, within five years of the date of enactment of this Act" and inserting in lieu thereof "position on October 31, 1979, may, not later than November 1, 1983"; and

(B) by inserting "of subsections (a) through (n)" after "provisions".

(c) FURLOUGHS.—Section 1131(p)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(p)(1)) is amended—

(1) by striking out "No educator whose basic compensation is paid from funds allocated under section 1128 may be" and inserting in lieu thereof "An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be";

(2) in subparagraph (A), by striking out "a shortage of funds" and inserting in lieu thereof "an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1129(b) of this Act"; and

(3) by inserting before the period at the end of subparagraph (B) ", except that the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), may continue one or more educators in pay status if (i) they are needed to operate summer programs, attend summer training sessions, or participate in special activities including (but not limited to) curriculum development committees, and (ii) they are selected based upon their qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply".

Discrimination, prohibition.

(d) FINANCIAL PLANS.—Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding after the first sentence of subsection (b) the following new sentence: "The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time they are submitted to the local school board.".

SEC. 10. GRANTS.

Contracts.

(a) IN GENERAL.—Section 5204(a)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(1)) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract schools;

"(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

"(C) elect to assume operation of Bureau schools with assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.".

(b) RETROCESSION.—Section 5204(f) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(f)) is amended—

(1) by adding the following at the end thereof:

"The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau school or as a contract school under title XI of the Education Amendments of 1978. Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

"(1) with assistance under this part, or

"(2) upon assumption of operation of the program under this part if it was a Bureau funded school under title XI of the

Education Amendments of 1978 before receiving assistance under this part.";

(2) by striking out "tribe" each place it appears in the first sentence and inserting in lieu thereof "tribal governing body"; and

(3) by striking out "Indian" in the first sentence.

(c) Composition.—Section 5205(b)(3)(A)(i) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)(3)(A)(i)) is amended by inserting "chapter 1 of" before "title I".

SEC. 11. ELIGIBILITY FOR GRANTS.

(a) In General.—Subparagraphs (A) and (B) of section 5206(a)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(a)(1)) are amended to read as follows:

Contracts

"(A) was, on April 28, 1988, a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part,

"(B) was a Bureau school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b),".

(b) Additional Requirements for Bureau Funded Schools.—Section 5206(b)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(b)(1)) is amended by striking out "Any school that was operated as a Bureau school on the date of enactment of this Act" and inserting in lieu thereof "A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on April 28, 1988.".

(c) Schools Which Are Not Bureau Funded.—Section 5206(c) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(c)) is amended—

(1) by amending the subsection heading to read "Additional Requirements for a School Which Is Not a Bureau Funded School.—"; and

(2) in paragraph (1), by striking out "A school for which the Bureau has not provided funds" and inserting in lieu thereof "A school which is not a Bureau funded school under title XI of the Education Amendments of 1978".

(d) Applications and Reports.—Section 5206(d)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(d)(1)) is amended by striking out "the Department of Education" and inserting in lieu thereof "the Bureau of Indian Affairs".

(e) Record of Hearings.—Section 5206(f)(1)(C) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(f)(1)(C)) is amended by inserting "on the record" after "hearing".

SEC. 12. DURATION OF ELIGIBILITY DETERMINATION.

(a) Role of Secretary of Education.—Subclause (I) of section 5207(c)(1)(A)(ii) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2506(c)(1)(A)(ii)) is amended by striking out "as determined by" and inserting in lieu thereof "as recognized by".

(b) Revocation.—Subclause (V) of section 5207(c)(1)(A)(ii) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2506(c)(1)(A)(ii)) is amended—

(1) by striking out the last sentence and inserting in lieu thereof the following: "If the Secretary and a grantee other than the tribal governing body fail to agree on such an evalua-

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tor, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply."; and

(2) by inserting "(or revisions of such standards agreed to by the Secretary and the grantee)" after "Education Assistance Act".

(c) **Application.**—Section 5207 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) is amended by adding at the end thereof the following new subsection:

"(d) **Applicability of Section Pursuant to Election Under Section 5209(b).**—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)— 25 USC 2506.

"(1) subsection (b) of this section shall apply; and

"(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.".

SEC. 13. PAYMENTS OF GRANTS.

(a) **Payment.**—Paragraph (2) of section 5208(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended by striking out "under this part" and inserting in lieu thereof "from Bureau funds".

(b) **Restrictions.**—Section 5208(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended by adding the following new paragraph at the end thereof:

"(3) Paragraphs (1) and (2) of this subsection shall be subject to any restriction on amounts of payments under this part that may be imposed by a continuing resolution or other Act appropriating the funds involved.".

SEC. 14. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508) is amended—

(1) in subsection (b) by adding at the end thereof the following:

Effective date "(3) In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election. For fiscal year 1989, the Secretary may waive this paragraph for elections received prior to September 30, 1988."; and

(2) by adding the following new subsections at the end thereof:

Contracts "(d) **Transfers and Carryovers.**—

"(1) A tribe or tribal organization assuming the operation of a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(2) A tribe or tribal organization assuming the operation of a contract school with assistance under this part shall be entitled to the transfer or use of the buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian

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Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(3) Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather than to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

Grants.
Contracts.

"(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2) of this Act, any dispute regarding the amount of a grant under section 5205 (and the amount of any funds referred to in that section), any payments to be made under section 5208 of this Act, and any dispute involving the amount of, or payment of, the administrative grant under section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) shall be handled under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975 (Public Law 93-658; 25 U.S.C. 450 et seq.).".

SEC. 15. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 5312 of the Indian Education Act of 1988 (25 U.S.C. 2602) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(1) For any fiscal year for which appropriations are authorized under section 5316 of this Act, the Secretary shall determine the number of Indian children who were enrolled in the schools of each local educational agency that applies for a grant, and for whom such agency provided free public education, during such fiscal year.";

(2) in subsection (b)(2)(A), by striking all after "the product of—" and inserting in lieu thereof the following:

"(i) the number of Indian children determined under paragraph (1), multiplied by

"(ii) the average per pupil expenditure per local educational agency, as determined under subparagraph (C), bears to the sum of such products for all such local educational agencies.";

(3) in the first sentence of subsection (b)(2)(B)—

(A) by striking out "eligible"; and

(B) by inserting "determined under paragraph (1)" after "children";

(4) in subsection (b)(3), by striking out "5315(c)(2)" and inserting in lieu thereof "5315(c)"; and

(5) in subsection (c)(1), by striking out "in accordance with the provisions of this subpart" and inserting in lieu thereof ", on a competitive basis,".

SEC. 16. APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL.

Section 5314 of the Indian Education Act of 1988 (25 U.S.C. 2604) is amended—

(1) in subsection (a)—

(A) by striking out "provided"; and

(B) by striking out "5312(b)" and inserting in lieu thereof "5312(c)";

(2) in subsection (b)(3), by inserting "," after "procedures" the first place it appears;

(3) in subsection (d)(1), by striking out "include a form" and inserting in lieu thereof "be supported by a form, maintained in the files of the applicant,";

(4) in subsection (d)(2)(A)(ii), by striking out "grandparents," and inserting in lieu thereof "grandparents";

(5) in subsection (d)(2)(B), by striking out "applicant" and inserting in lieu thereof "child";

(6) in subparagraphs (C) and (D) of subsection (d)(2), by striking out "or legal guardian" each place it appears;

(7) in subsection (d)(3)—

(A) by inserting "other" before "information"; and

(B) by inserting after the first sentence the following: "In order for a child to be counted in computing the local educational agency's grant award, the eligibility form for the child must contain at least—

"(A) the child's name;

"(B) the name of the tribe, band, or other organized group of Indians; and

"(C) the parent's dated signature."; and

(8) in subsection (e)(1)—

(A) by striking out "education" in subparagraph (A) and inserting in lieu thereof "educational";

(B) by striking out "provide" in subparagraph (B) and inserting in lieu thereof "provided"; and

(C by striking out "education" in subparagraph (C) and inserting in lieu thereof "educational".

SEC. 17. PAYMENTS.

Section 5315(c) of the Indian Education Act of 1988 (25 U.S.C. 2605(c)) is amended to read as follows:

"(c) REDUCTION FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

State and local governments.

"(1) The Secretary shall not pay to any local educational agency its full allotment under section 5312 for any fiscal year unless the State educational agency determines that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by that local agency for the preceding fiscal year, computed on either a per student or aggregate expenditure basis, was at least 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its expenditures at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the allocation of funds to that agency in the exact proportion of that agency's failure to maintain its expenditures at that level, and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) in any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) The Secretary may waive the requirements of this subsection for one fiscal year only if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources. The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) in any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of a waiver.".

SEC. 18. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

(a) **Training for Those Serving Indian Students.**—Section 5321(d) of the Indian Education Act of 1988 (25 U.S.C. 2621(d)) is amended by adding at the end thereof the following:

Grants

"(4) In making grants under this subsection, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.".

(b) **Technical Amendments.**—Subparagraphs (B) and (C) of section 5321(e)(1) of the Indian Education Act of 1988 (25 U.S.C. 2621(e)(1)) are each amended by striking out "upon request" and inserting in lieu thereof ", upon request,".

(c) **Authorization of Appropriations.**—Section 5321(g)(1) of the Indian Education Act of 1988 (25 U.S.C. 2621(g)(1)) is amended by inserting ", other than subsection (e)(1)" after "this section".

SEC. 19. FELLOWSHIPS FOR INDIAN STUDENTS.

(a) **Technical Correction.**—Section 5323(a) of the Indian Education Act of 1988 (25 U.S.C. 2623(a)) is amended by striking out "post baccalaureate" and inserting in lieu thereof "postbaccalaureate".

(b) **Table of Contents.**—The item relating to section 5323 in the table of contents contained in section 1(b) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 139) is amended to read as follows:

"Sec. 5323. Fellowships for Indian Students.".

SEC. 20. GIFTED AND TALENTED.

(a) **Demonstration Projects.**—Section 5324(b)(3)(C) of the Indian Education Act of 1988 (25 U.S.C. 2624(b)(3)(C)) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

(b) **Additional Grants.**—Section 5324(c) of the Indian Education Act of 1988 (25 U.S.C. 2624(c)) is amended—

(1) in paragraph (4)(B), by striking out "1128(c)(1)(A)(ii)" and inserting in lieu thereof "1128(c)(4)(A)(i)"; and

(2) in paragraph (7)(A), by striking out "evaluator" and inserting in lieu thereof "demonstration project recipients under subsection (b)".

SEC. 21. OFFICE OF INDIAN EDUCATION.

Section 5341(b)(2)(D) of the Indian Education Act of 1988 (25 U.S.C. 2641(b)(2)(D)) is amended by striking out "Alaskan" and inserting in lieu thereof "Alaska".

SEC. 22. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

Section 5342(a)(1)(A) of the Indian Education Act of 1988 (25 U.S.C. 2642(a)(1)(A)) is amended by striking out "Indians" and inserting in lieu thereof "Indians,".

SEC. 23. DEFINITIONS.

Section 5351 of the Indian Education Act of 1988 (25 U.S.C. 2651) is amended—

(1) by amending paragraph (4)(A) to read as follows:

"(A) a member (as defined by an Indian tribe, band, or other organized group) of such Indian tribe, band, or other organized group of Indians, including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside,";

(2) in paragraph (5)(A)—

(A) by striking out "The" and inserting in lieu thereof "Except as provided in subparagraph (B), the";

(B) by striking out "section 198(a)(10)" and inserting in lieu thereof "section 1471(12)"; and

(C) by striking out "(20 U.S.C. 2854(a)(10))" and inserting in lieu thereof "(20 U.S.C. 2891(12)"; and

(3) in paragraph 5(B)—

(A) by striking out "The term" and all that follows through "includes—" and inserting in lieu thereof the following: "For purposes of the formula grant of subpart 1 (except for sections 5314(b)(2)(B)(ii) and 5315(c)), the term 'local educational agency' includes—"; and

(B) by striking out "education" in clause (ii) and inserting in lieu thereof "educational".

SEC. 24. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

Section 108 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808) is amended by adding at the end thereof the following:

"(c) Nothing in this section shall be construed as interfering with, or suspending the obligation of the Bureau for, the implementation of all legislative provisions enacted prior to April 28, 1988, specifically including those of Public Law 98-192.".

SEC. 25. USE OF BUREAU FACILITIES.

(a) In General.—Section 5405(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 17(a)) is amended to read as follows:

Public lands.
Public buildings and grounds.

Utilities.

"(a) In General.—The Secretary of the Interior may permit tribal governments and organizations and student organizations to use Bureau of Indian Affairs equipment, land, buildings, and other structures if such use does not interfere with the purpose for which they are administered by the Bureau and when such use benefits Indians or Federal or federally funded programs. The Secretary may charge the user for the cost of the utilities and other expenses incurred for the use. The amounts collected shall be credited to the appropriation or fund from which the expenses are paid and shall be available until the end of the fiscal year following the fiscal year in which collected. The Secretary's decision to not permit a use under this section is final and shall not be subject to judicial review.".

(b) Section 5405 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of

1988 (25 U.S.C. 17) is further amended by adding at the end thereof the following new subsection:

ontracts

"(c) The payment of any fee, or agreement to pay costs, to the Secretary shall not in any way or to any extent limit the right of the United States to rely upon sovereign immunity or any State or Federal statute limiting liability or damages from injuries sustained in connection with use under this section.".

SEC. 26. WHITE HOUSE CONFERENCE ON INDIAN EDUCATION.

(a) COMPOSITION.—Section 5503(a)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by inserting "(including members of local school boards of schools funded by the Bureau of Indian Affairs)" after "Indian educational institutions".

(b) ADVISORY COMMITTEE.—Section 5506(d) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by striking out "traveltime" and inserting in lieu thereof "travel time".

(c) GIFTS.—Section 5507(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by striking out "Force," and inserting in lieu thereof "Force".

SEC. 27. REPEAL OF ANNUAL REPORT ON EDUCATION OF INDIAN CHILDREN.

Section 6210 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2016a) is repealed.

Approved September 9, 1988.

LEGISLATIVE HISTORY—H.R. 5174:

CONGRESSIONAL RECORD, Vol. 134 (1988):
Aug. 9, considered and passed House and Senate.

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APPENDIX I

code of federal regulations

Education

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PARTS 1 TO 299
Revised as of November 1, 1989

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

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PART 250—INDIAN EDUCATION ACT—GENERAL PROVISIONS

Subpart A—General

Sec.
250.1 What programs are governed by these regulations?
250.2 [Reserved]
250.3 What regulations apply to these programs?
250.4 What definitions apply to these programs?
250.5 What provisions of the Indian Self-Determination and Education Assistance Act apply to these programs?

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant?

250.20 How does an applicant apply under a particular program?

AUTHORITY: 25 U.S.C. 2601-2651, unless otherwise noted.

Subpart A—General

§ 250.1 What programs are governed by these regulations?

The regulations in this part apply to all programs conducted under the Indian Education Act except the Indian Fellowship Program (34 CFR Part 263). Programs governed by these regulations and their applicable program regulations are as follows:

(a) Formula Grants—Local Education Agencies (34 CFR Part 251).

(Authority: 25 U.S.C. 2601-2606)

(b) Indian-Controlled Schools—Enrichment Projects (34 CFR Part 252).

(Authority: 25 U.S.C. 2602(c))

(c) Educational Services for Indian Children (34 CFR Part 253).

(Authority: 25 U.S.C. 2621(a), (c))

(d) Planning, Pilot, and Demonstration Projects for Indian Children (34 CFR Part 254).

(Authority: 25 U.S.C. 2621(a), (b))

(e) Gifted and Talented Program (34 CFR Part 255).

(Authority: 25 U.S.C. 2624(c))

(f) Educational Personnel Development (34 CFR 256).

(Authority: 25 U.S.C. 2621(d), 2622)

(g) Educational Services for Indian Adults (34 CFR Part 257).

(Authority: 25 U.S.C. 2631(b))

(h) Planning, Pilot, and Demonstration Projects for Indian Adults (34 CFR Part 258).

(Authority: 25 U.S.C. 2631(a))

[54 FR 20481, May 11, 1989]

§ 250.2 [Reserved]

§ 250.3 What regulations apply to these programs?

In addition to the regulations contained in this part and the applicable program regulations, the programs under 34 CFR Parts 251 through 258 are subject to the Education Department General Administrative Regulations (EDGAR) in:

(a) 34 CFR Part 74 (Administration of Grants);

(b) 34 CFR Part 75 (Direct Grant Programs), except for § 75.590(c) relating to a grantee's project evaluation;

(c) 34 CFR Part 77 (Definitions);

(d) 34 CFR Part 78 (Education Appeal Board); and

(e) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities), except that Part 79 does not apply to 34 CFR Parts 252, 255, and 256.

(Authority: 25 U.S.C. 2601-2651)

[49 FR 23761, June 7, 1984, as amended at 54 FR 20481, May 11, 1989]

§ 250.4 What definitions apply to these programs?

(a) *Definitions in EDGAR.* Except as otherwise provided, the following terms used in this part and in 34 CFR Parts 251 through 258 are defined in 34 CFR Part 77:

Applicant
Application
Award
Budget period
EDGAR
Elementary school
Facilities
Fiscal year
Grant
Grantee
Grant period
Local government
Minor remodeling
Nonprofit
Private
Project
Project period
Public
Secondary school
Secretary
State
State educational agency (SEA)
Supplies

(b) *Definitions that apply to the programs governed by this part.* Unless otherwise provided, the following definitions apply to this part and to 34 CFR Parts 251 through 258:

"Adult" means any individual who is sixteen years old or older, or who is beyond the age of compulsory school attendance under State Law.

"Adult education" means instruction or services below college level for adults who are not enrolled in a secondary school and who do not have—

(1) The basic skills to enable them to function effectively in society; or

(2) A certificate of graduation from a school providing secondary education, and who have not achieved an equivalent level of education.

"Ancillary educational personnel"

(1) This term means guidance counselors, librarians, and others who assist in meeting the educational needs of Indian students.

(2) The term does not include persons in positions not directly involved in the educational process, such as clerks or cafeteria personnel.

"Bureau school" means an elementary or secondary day or boarding school operated by the Bureau of Indian Affairs (BIA) of the Department of the Interior.

"Bureau-funded school" means a Bureau school or an elementary or secondary school that receives Pub. L. 93-638 (Indian Self-Determination and Education Assistance Act) contract funds or assistance under the Tribally Controlled Schools Act of 1988 from the Bureau of Indian Affairs.

"Child" means an individual within the age limits for which the applicable State provides a free public education.

"Demonstration project" means a project that affords opportunities to examine in practice, and to assess the qualities of, an educational method, approach, or technique for the purpose of adaptation of that method, approach, or technique by other institutions with similar needs.

"Equipment" means:

(1) Machinery, utilities, and built-in apparatus;

(2) Any enclosure or structure necessary to house the items listed in paragraph (1) of this definition; and

(3) Any other item necessary for the functioning of a facility for the provi-

sions of educational services, including items such as:

(i) Instructional apparatus and necessary furniture;

(ii) Printed, published, and audiovisual instructional materials; and

(iii) Books, periodicals, documents, and related materials.

"Free public education" except as defined in 34 CFR 251.32, means education that is:

(1) Provided at public expense, under public supervision and direction, without tuition charge; and

(2) Provided as elementary or secondary school education in the applicable State.

"Full-time student" means an individual pursuing studies that constitute a full-time workload in accordance with an institution's established policy.

"Gifted and talented students" means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to develop such capabilities fully.

"Handicapped person" means an individual requiring special education and related services because he or she:

(1) Is mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health-impaired; or

(2) Has a specific learning disability.

"Indian"—except as noted in § 250.5(b)—means an individual who is:

(1) A member (as defined by an Indian tribe, band, or other organized group) of such Indian tribe, band, or other organized group of Indians, including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside;

(2) A descendant, in the first or second degree, of an individual described in paragraph (1) of this definition;

(3) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(4) An eskimo or Aleut or other Alaska Native.

"Indian institution" means a preschool, elementary, secondary, or postsecondary school that:

(1) Is established for the education of Indians;

(2) Is controlled by a governing board, the majority of which is Indian; and

(3) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation.

"Indian organization" means an organization that:

(1) Is legally established:

(i) By tribal or inter-tribal charter or in accordance with State or tribal law; and

(ii) With appropriate constitution, by-laws, or articles of incorporation;

(2) Has as its primary purpose the promotion of the educational, economic, or social self-sufficiency of Indians;

(3) Is controlled by a governing board, the majority of which is Indian;

(4) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation;

(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education; and

(6) Is not an agency of State or local government.

"Indian tribe" means any federally or State-recognized Indian tribe, band, nation, rancheria, pueblo, Alaska Native village, or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (85 Stat. 688), that exercises the power of self-government.

"Institution of higher education" means, in any State, an educational institution that:

(1) Admits as a regular student only an individual having a high school graduation certificate or the recognized equivalent of a high school graduation certificate;

(2) Is legally authorized within that State to provide a program of education beyond high school;

(3) Provides:

(i) An educational program for which it awards a bachelor's degree;

(ii) An educational program of not less than two years that is acceptable for full credit toward a bachelor's degree; or

(iii) A two-year program in engineering, mathematics, or the physical or biological sciences that is designed to prepare a student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields that require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(4) Is a public or other nonprofit institution; and

(5)(i)(A) Is accredited by a nationally recognized accrediting agency or association listed by the Secretary; or

(B) If not accredited, is an institution whose credits are accepted, on transfer, by not fewer than three institutions that are accredited, on the same basis as if transferred from an institution that is accredited.

(ii) However, in the case of an institution described in paragraph (3)(iii) of this definition, if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit that type of institution:

(A) The Secretary appoints an advisory committee composed of persons specially qualified to evaluate training provided by that type of institution; and

(B) The advisory committee prescribes the standards of content, scope, and quality that must be met in order to qualify that type of institution to participate under the appropriate program and determines whether particular institutions meet those standards.

(iii) For the purpose of paragraph (5) of this definition, the Secretary publishes a list of nationally recognized accrediting agencies or associations that the Secretary determines to be reliable authority as to the quality of education or training offered.

"Local educational agency" (LEA) means—

(1) A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary of secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties recognized in a State as an administrative agency for its public elementary or secondary schools. The term includes includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(2) As used in 34 CFR Part 251 the term also includes tribal schools and Bureau schools.

"Parent"

(1) Includes a legal guardian or other individual standing *in loco parentis* (in the place of the parent) other than by virtue of being a school administrator or official. Examples of individuals who may stand *in loco parentis* with respect to a child are—

(i) A foster parent of the child; and

(ii) A grandparent with whom the child resides.

(2) In determining whether an individual stands *in loco parentis* with respect to a child, an LEA may consider such factors as:

(i) The current relationship of the child and the natural parent(s);

(ii) The length and stability of the relationship between the individual and the child;

(iii) Tribal custom and tribal law;

(iv) Applicable State law, whether legislative or judicial; and

(v) Dependency for purposes of State of Federal income taxes.

"Pilot project" means a project that tests an educational method, approach, or technique in a limited and controlled setting to determine:

(1) Whether the educational method, approach, or technique meets an established need; and

(2) Whether the educational objectives of the educational method, approach, or technique are appropriate for Indian children or adults.

"Planning project" means a project that:

(1) Establishes educational objectives; and

(2) Proposes activities and resources that would be needed to meet these objectives for the education of Indian children or adults.

"Secondary school," as used in 34 CFR Parts 254, 255, and 256, means a day or residential school that provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

"State," as used in 34 CFR Parts 251, 252, and 253, means any of the 50 States, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, or the Virgin Islands.

"Stipend" means an allowance for personal living expenses paid to a participant in a personnel development project.

"Teacher aide"

(1) This term means a person who assists a teacher in the performance of the teacher's teaching or administrative duties.

(2) The term does not include persons in positions not directly involved in the educational process, such as clerks or cafeteria personnel.

"Tribal school" means any school operated by an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government for the children of that tribe if the school either—

(1) Provides its students an educational program that meets the standards established by the Secretary of the Interior in accordance with the Indian Self-Determination and Education Assistance Act; or

(2) Is operated by that tribe or organization under a contract with the Department of the Interior in accordance with the Indian Self-Determination and Education Assistance Act.

(Authority: 25 U.S.C. 2601-2651)
(Authority: 20 U.S.C. 241aa-241ff, 244, 881, 1202, 1211a, 1221h(a), 3381, 3385, 3385a)

[49 FR 23761, June 7, 1984, as amended at 52 FR 28232, July 28, 1987; 54 FR 20481, May 11, 1989]

§ 250.5 What provisions of the Indian Self-Determination and Education Assistance Act apply to these programs?

(a) Awards under programs covered by this part that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638). That section requires that, to the greatest extent feasible, a grantee:

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to Indian organizations and to Indian-owned economic enterprises—as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e))—preference in the award of contracts in connection with the administration of the grant.

(Authority: Pub. L. 93-638, Section 7(b); 25 U.S.C. 450e(b))

(b) For purposes of this section, an "Indian" is a member of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (85 Stat. 688), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(Authority: 25 U.S.C. 450 (b), (d), (e))

[49 FR 23761, June 7, 1984, as amended at 54 FR 20481, May 11, 1989]

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant?

§ 250.20 How does an applicant apply under a particular program?

(a) An applicant shall specify in its application the particular program under 34 CFR Parts 251 through 258 under which it is applying.

(b) If the applicant submits an application under a program covered by this part and the project proposed by the applicant is not authorized under that program, the Secretary may, with the consent of the applicant, review and consider the application under an appropriate program, if any, covered by this part.

(Authority: 25 U.S.C. 2601-2651)

[49 FR 23761, June 7, 1984, as amended at 54 FR 20481, May 11, 1989]

PART 251—INDIAN EDUCATION—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

Subpart A—General

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251.51 How does the Secretary determine a grantee's compliance with the student certification requirements?
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AUTHORITY: 25 U.S.C. 2601-2606, unless otherwise noted.

Subpart A—General

§ 251.1 Formula Grants—Local Educational Agencies.

This program, Formula Grants—Local Educational Agencies (LEAs), provides financial assistance to develop and carry out elementary and secondary school projects that meet the special educational and culturally related academic needs of Indian children.

(Authority: 25 U.S.C. 2601)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

§ 251.2 Who is eligible for assistance under this program?

(a) An LEA is eligible for assistance under this program.

(b)(1) An LEA other than a tribal school or a Bureau school is entitled to receive a grant only if the number of Indian children enrolled in the LEA's schools is either—

(i) At least 10; or

(ii) At least one-half of the total enrollment for that agency.

(2) However, an LEA may apply without regard to the enrollment requirements of paragraph (b)(1) of this section if it is located—

(i) In Alaska, California, or Oklahoma; or

(ii) On, or in proximity to, an Indian reservation.

(c) An LEA that is a Bureau school is eligible only if funds are available in accordance with section 5312(b)(3) of the Act.

(Authority: 25 U.S.C. 2602 (a), (b))

[54 FR 19335, May 4, 1989]

§ 251.3 What regulations apply to this program?

The following regulations apply to this program:

(a)(1) The regulations in 34 CFR Part 250.

(2) However, 34 CFR 75.111 (d) and (e) of the Education Department General Administrative Regulations, relating to the contents of an application, do not apply to this program.

(b)(1) The regulations in this Part 251.

(2) However, the following provisions of this part do not apply to tribal schools or Bureau schools:

(i) Section 251.20, relating to the selection of the parent committee.

(ii) Any other provisions of this part relating to the parent committee.

(iii) Sections 251.31 and 251.32 relating to free public education.

(iv) Sections 251.40–251.42 relating to the maintenance of effort required for LEAs.

(Authority: 25 U.S.C. 2601-2606, 2651)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

§ 251.4 What defilitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2601-2606)

Subpart B—What Kind of Activities Does the Secretary Assist Under This Program?

§ 251.10 What types of projects may be funded?

(a) The Secretary may fund applications proposing the—

(1) Establishment, maintenance, or operation of projects specifically designed to meet the special educational or culturally related academic needs, or both, of Indian children; or

(2) Training of counselors at the applicant's school in counseling techniques relevant to the treatment of alchol and substance abuse.

(b) An applicant may also apply for assistance to:

(1) Plan for and take other steps leading to the development of projects; and

(2) Carry out pilot projects designed to test the effectiveness of those plans.

(Authority: 25 U.S.C. 2603)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

Subpart C—How Does One Apply for a Grant?

§ 251.20 How is a parent committee selected?

(a) Before developing an application, an LEA—other than a tribal school or a Bureau School—shall establish and publicize procedures for the selection of a parent committee.

(b) The following are eligible to select and serve on a parent committee:

(1) Parents of Indian children who will participate in the proposed project.

(2) Teachers, including guidance counselors, except members of the project staff.

(3) Indian secondary school students, if any, enrolled in the LEA's schools.

(c)(1) At least half the members of the committee must be parents of the Indian children to be served by the proposed project.

(2) The committee must include at least one teacher and, where applicable, at least one secondary student to be served by the program for which assistance is sought.

(d) The persons listed in paragraph (b) of this section shall select the members of the committee.

(e) An individual may continue to be a member of the committee only so long as he or she is eligible under paragraph (b) of this section.

(Authority: 25 U.S.C. 2604(b)(2)(B), 2651)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

§ 251.21 Must an applicant hold a public hearing?

(a) Before preparing an application for a new or continuation award, an applicant shall hold one or more hearings open to the general public.

(b) At the public hearing or hearings, the applicant shall provide to the parents of Indian children—including persons acting *in loco parentis* —teachers, and, where applicable, secondary school students, a full opportunity to understand the project for which the applicant is seeking assistance and to offer recommendations on the project.

(c) In the case of an application for a continuation award, the grantee shall provide at the public hearing or hearings an opportunity for full public discussion of all aspects of the project to date and for the remainder of the project period.

(Authority: 25 U.S.C. 2604(b)(2)(B)(i), 2651)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

§ 251.22 How does the LEA determine the student count?

(a) Before including a student in the count of Indian children to generate funds under this part, an LEA shall—

(1) Establish a date or a period, not exceeding 30 days, during which the LEA conducts the count;

(2) Determine that the child was enrolled in the LEA's elementary or secondary schools on the count date or during the count period;

(3) Determine that the child received a free public education in the LEA's schools on the count date or during the count period; and

(4) Obtain for each child included in the count the student certification form prescribed by the Secretary.

(b) Before including a student in the count of Indian children to generate funds under this part, the LEA shall determine that the student certification form referred to in paragraph (a)(4) of this section includes, at a minimum:

(1) The student's name;

(2) The name of the eligible Indian tribe, band, or group of which the student, the parent, or the grandparent is a member, as defined by the tribe, band, or group; and

(3) The parent's signature and date.

(c) The LEA may include in the count a student whose student certification form does not have the parent's signature and date, provided that the parent's signature and date are obtained within 90 days of the start of the grant period for which the student is counted to generate funds under this part.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2602(b), 2604(d), 2651)

[54 FR 19335, May 4, 1989]

Subpart D—How Does the Secretary Make a Grant?

§ 251.30 How does the Secretary determine the amount of a grant?

(a) The Secretary determines the amount an applicant receives any fiscal year on the basis of the formula in section 5312(b), of the Indian Education Act.

(b) Under the statutory formula, the Secretary computes the amount of the grant to which an applicant is entitled by multiplying:

(1) The number of Indian children enrolled in the schools of the applicant and to whom the applicant provides free public education; by

(2) The average per pupil expenditure for the LEA as determined under section 5312(b)(2)(C), of the Indian Education Act.

(c) In setting the amount of a grant, the Secretary allocates to each approved applicant an amount that bears the same ratio to the total amount appropriated as the product of paragraphs (b) (1) and (2) of this section for that applicant bears to the sum of these products for all approved applicants.

(Authority: 25 U.S.C. 2602(b), 2606)

[49 FR 23764, June 7, 1984, as amended at 50 FR 10924, Mar. 18, 1985; 54 FR 19336, May 4, 1989]

§ 251.31 Payments to local educational agencies.

The Secretary makes payments to an applicant local educational agency (LEA) for children claimed under section 5312(b), of the Indian Education Act, only if:

(a) The LEA is responsible under applicable State or Federal law for providing a free public education (as provided in § 251.32) to those children;

(b) The LEA is providing a free public education to those children; and

(c) The State provides funds for the education of those children on the same basis as all other public school children in the State.

(Authority: 25 U.S.C. 2602(b), 2651)

[52 FR 28232, July 28, 1987, as amended at 54 FR 19336, May 4, 1989]

§ 251.32 Free public education.

(a) As used in § 251.31, a free public education means education that is provided:

(1) At public expense;

(2) As the complete elementary and secondary educational program;

(3) In a school of the LEA or under a tuition arrangement with another LEA or other educational entity; and

(4) Under public supervision and direction.

(b) For the purpose of paragraph (a)(1) of this section, education is provided at public expense if:

(1) There is no tuition charge to the child or the child's parents; and

(2) Federal funds, other than Pub. L. 81-874 funds (Impact Aid) and Pub. L. 93-638 contract funds (Indian Self-Determination and Education Assistance Act), do not provide a substantial portion of the basic educational program.

(c) For the purpose of paragraph (a)(2) of this section, the complete elementary or secondary educational program is the program recognized by the State as meeting all requirements for elementary or secondary education for the children claimed. It is not a program that provides only:

(1) Supplementary services or instruction; or

(2) A portion of the required educational program.

(d) For the purpose of paragraph (a)(3) of this section, a tuition arrangement must:

(1) Satisfy all applicable legal requirements in the State; and

(2) Genuinely reflect the applicant LEA's responsibility to provide a free public education to the children claimed under section 5312(b), of the Indian Education Act.

(e) For the purpose of paragraph (a)(4) of this section, education provided under public supervision and direction means education that is provided:

(1) In a school of the applicant LEA or another LEA; or

(2) By another educational entity, over which the applicant LEA, or other public agency, exercises authority with respect to the significant aspects of the educational program for the children claimed. The Secretary considers significant aspects of the educational program to include administrative decisions relating to teachers, instruction, and curriculum.

(Authority: 25 U.S.C. 2602(b), 2651)

[52 FR 28233, July 28, 1987, as amended at 54 FR 19336, May 4, 1989]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 251.40 What is the maintenance of effort requirement?

(a) Subject to the granting of a waiver under § 251.41, the Secretary makes full payments to an LEA for any fiscal year if the appropriate SEA finds that the combined fiscal effort of that LEA and the State with respect to the provision of free public education by that LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort for that purpose for the second preceding fiscal year.

(b) The requirement of paragraph (a) of this section does not apply to an LEA that is a tribal school or a Bureau school.

(c) Subject to the granting of a waiver under § 251.41, if the Secretary determines that the LEA has failed to maintain the combined fiscal effort as required under paragraph (a) the Secretary reduces the LEA's award in the exact proportion by which the LEA failed to meet the combined fiscal effort requirement.

(d) For purposes of determining maintenance of effort, the "preceding fiscal year" means the Federal fiscal year or the 12-month fiscal period most commonly used in a State for official reporting purposes prior to the beginning of the Federal fiscal year in which funds are awarded.

Example: For funds awarded in fiscal year 1985 for expenditure by LEAs during the 1985-86 school year, if a State is using the Federal fiscal year, the "preceding fiscal year" is fiscal year 1984 (which began on October 1, 1983). The "second preceding fiscal year" is fiscal year 1983 (which began on October 1, 1982). If a State is using a fiscal year that begins on July 1, 1984, the "preceding fiscal year" is the 12-month fiscal period ending on June 30, 1984. The "second preceding fiscal year" is the 12-month fiscal period ending on June 30, 1983.

(e)(1) For the purpose of making the finding described in paragraph (a) of this section, an SEA may compute combined fiscal effort on the basis of either aggregate expenditures or per pupil expenditure.

(2)(i) As used in this section, "aggregate expenditures" means expenditures by the LEA and the State for free public education provided by that LEA.

(ii) The term includes expenditures for administration, instruction, attendance, health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student activities.

(iii) The term does not include expenditures for community services, capital outlay and debt service, or any expenditures from funds granted under Federal programs of assistance.

(3) As used in this section, "per pupil expenditures" means aggregate expenditures divided by the number of pupils in average daily attendance at the LEA's schools—as determined in accordance with State law—during the fiscal year for which the computation is made.

(Authority: 25 U.S.C. 2605(c), 2651)

[51 FR 4734, Feb. 7, 1986, as amended at 54 FR 19336, May 4, 1989]

§ 251.41 When may the Secretary grant a waiver of the maintenance of effort requirement?

(a) The Secretary may grant a waiver, for one year only, of the maintenance of effort requirement in § 251.40, if the Secretary determines that the LEA's failure to meet that requirement is due exceptional circumstances.

(b) An LEA may ask the Secretary to grant a waiver of the maintenance of effort requirement by submitting a request for a waiver that includes a description of the circumstances that the LEA considers to be exceptional.

(c)(1) Exceptional circumstances include but are not limited to:

(i) A natural disaster; or

(ii) A precipitious and unforeseen decline in the financial resources of the LEA.

(2) The Secretary does not consider tax initiatives or referenda to be exceptional circumstances.

(d) If the Secretary grants a waiver under paragraph (a) of this section, the affected LEA may receive its full allocation of formula grant funds.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2605(c))

[51 FR 4734, Feb. 7, 1986, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 19336, May 4, 1989]

§ 251.42 What is the effect of a waiver on determination of an LEA's maintenance of effort in the following year?

No level of expenditures permitted under a waiver may be used as a basis for computing the fiscal effort required under § 251.40 for subsequent years. Instead, for subsequent years, fiscal effort must be computed on the basis of the level of expenditures that would have been required had a waiver not been granted.

Example: An LEA was granted a waiver in fiscal year 1985 because its fiscal effort in the preceding fiscal year (1984) was less than 90 percent of its fiscal effort in the second preceding fiscal year (1983) due to exceptional circumstances. In determining maintenance of effort for the purpose of funding in fiscal year 1986, the LEA's combined fiscal effort for the preceding fiscal year (1985) must be at least 81 percent (90 percent of 90 percent) of its fiscal effort in the third preceding fiscal year (1983).

(Authority: 25 U.S.C. 2605(c))

[51 FR 4734, Feb. 7, 1986, as amended at 54 FR 19336, May 4, 1989]

§ 251.43 How must a grantee use the results of its evaluations?

(a) If an evaluation under section 5314(a)(4) of the Act shows that a project is not making substantial progress toward meeting the objectives of the project and this part, the grantee shall amend its application in accordance with section 5314(c) of the Act.

(b) The amendments to the application must include changes that will enable the grantee to meet those objectives.

(Authority: 25 U.S.C. 2604 (a)(4), (c))

[54 FR 19336, May 4, 1989]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

§ 251.50 What are the responsibilities of a grantee regarding student certification?

For each student included in the count of Indian students in accordance with § 251.22 and on which the amount of a grant is based, a grantee shall keep on file the student certification form prescribed by the Secretary.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2604(d))

[49 FR 23764, June 7, 1984, as amended at 54 FR 19336, May 4, 1989]

§ 251.51 How does the Secretary determine a grantee's compliance with the student certification requirements?

Periodically, the Secretary reviews a grantee's records to determine, for the current fiscal year and for prior fiscal years for which the grantee is required to maintain records, if—

(a) The requirements in § 251.22 were met;

(b) A certification form that meets the requirements of § 251.22 is on file for each child included by the grantee in the count of children to generate funds under this part; and

(c) Each child counted by the grantee is otherwise eligible to be counted under this part.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2601-2606)

[54 FR 19336, May 4, 1989]

§ 251.52 What action does the Secretary take if a grantee fails to meet the student certification requirements?

(a) If the Secretary determines under § 251.51 that a grantee is not in compliance with the student certification requirements, the grantee shall repay to the Department the amount of funds improperly generated. The Secretary may—

(1) Collect the funds awarded for each child inappropriately counted in the fiscal year or years at issue by—

(i) Demanding direct repayment from the grantee;

(ii) Reducing the grantee's current grant award where the Secretary's determination under paragraph (a) of the section concerns the current fiscal year; or

(iii) Offsetting the equivalent amount from the grantee's award for a fiscal year following the determination; and

(2) For one to three years following that determination, require the grantee to submit with its application for funds under this part a verification by an independent auditor that student certification forms have been completed and maintained by the grantee for each child included in the count in the application.

(b) In applying an administrative offset under § 251.52(a)(1)(iii), the Secretary uses the procedures contained in 34 CFR Part 30.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2601-2606)

[54 FR 19336, May 4, 1989]

PART 252—INDIAN CONTROLLED SCHOOLS—ENRICHMENT PROJECTS

Subpart A—General

Sec.

252.1 Indian-Controlled Schools—Enrichment Projects.
252.2 Who is eligible for assistance under this program?
252.3 What regulations apply to this program?
252.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

252.10 What types of projects may be funded?

Sec.

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

252.30 How does the Secretary evaluate an application?
252.31 What selection criteria does the Secretary use?

AUTHORITY: 25 U.S.C. 2602(c), unless otherwise noted.

Subpart A—General

§ 252.1 Indian-Controlled Schools—Enrichment Projects.

This program, Indian Controlled Schools—Enrichment Projects, provides financial assistance for educational enrichment projects designed to meet the special educational and culturally related academic needs of Indian children in Indian-controlled elementary and secondary schools or LEAs.

(Authority: 25 U.S.C. 2602(c))

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

§ 252.2 Who is eligible for assistance under this program?

(a) Under this program any applicant among the following is eligible for assistance if it operates or plans to establish and operate a school for Indian children—or, if eligible, an LEA—that is located on or geographically near one or more reservations:

(1) Indian tribes;

(2) Indian organizations;

(3) Local educational agencies (LEAs) that have been in existence not more than three years.

(b) The requirement that a school to be assisted under this part be located on or near a reservation does not apply to any school serving Indian children in Alaska, California, or Oklahoma.

(Authority: 25 U.S.C. 2602(c))

[50 FR 10925, Mar. 18, 1985. Redesignated at 54 FR 20481, and amended at 54 FR 20482]

§ 252.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The following provisions in 34 CFR Part 251:

(1)(i) Section 251.20, relating to the selection of the parent committee.

(ii) However, this requirement does not apply to an Indian tribe or Indian organization.

(iii) If an applicant LEA has formed or is forming a parent committee under 34 CFR 251.20 for the purpose of applying for a grant under 34 CFR Part 251 (Formula Grants—Local Educational Agencies) the LEA may have that committee serve as the parent committee for the purposes of this program.

(2) Section 251.21, relating to the holding of one or more public hearings.

(3)(i) Section 251.40, relating to the maintenance of effort required for LEAs.

(ii) However, this requirement does not apply to an Indian tribe or Indian organization.

(c)(1) The regulations in this Part 252.

(2) However, an Indian tribe or Indian organization is not subject to any provisions of this part relating to the parent committee.

(Authority: 25 U.S.C. 2602(c))

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

§ 252.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2601-2606, 2651)

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 252.10 What types of projects may be funded?

(a) The Secretary may fund applications proposing projects that include, but are not limited to, those designed to:

(1) Improve acquisition of basic academic skills;

(2) Stimulate interest in careers;

(3) Stimulate interest in tribal culture and organization;

(4) Prevent school dropouts and reduce absenteeism;

(5) Establish or improve preschool education programs, including kindergarten; or

(6) Develop or improve instructional materials.

(b) The activities listed in paragraph (a) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activity that meets the purpose of this program.

(Authority: 25 U.S.C. 2602(c))

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 252.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 252.31.

(b) The Secretary awards up to 100 possible total points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2602(c), 2601)

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

§ 252.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for the proposed project.

(2) In making this determination, the Secretary considers:

(i) The educational needs to be addressed by the project, including the extent and severity of these needs as indicated by the number and percentage of Indian children with the needs in the area to be served by the project and by such factors as dropout rates, academic achievement levels, standardized test scores, or other appropriate measures.

(ii) A description of the efforts being made to meet these needs and an explanation of why these efforts are insufficient;

(iii) A clear description of the educational approach to be used and why the applicant has chosen this approach;

(iv) Evidence that the approach is likely to be successful with the children who will participate in the project; and

(v) An explanation of why the applicant lacks the financial resources to conduct the project.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) In making this determination, the Secretary looks for:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period;

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which parents of the children to be served and other members of the Indian community are involved in the project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the children involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the resources to be devoted to the project are adequate.

(2) In making this determination, the Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2602(c), 2604)

[49 FR 23767, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

PART 253—EDUCATIONAL SERVICES FOR INDIAN CHILDREN

Subpart A—General

Sec.

253.1 Educational Services for Indian Children.
253.2 Who is eligible for assistance under this program?
253.3 What regulations apply to this program?

Sec.
253.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

253.10 What types of projects may be funded?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

253.30 How does the Secretary evaluate an application?
253.31 To what applicants does the Secretary give priority?
253.32 What selection criteria does the Secretary use?

AUTHORITY: 25 U.S.C. 2621(a), (c), unless otherwise noted.

Subpart A—General

§ 253.1 Educational Services for Indian Children.

This program, Educational Services for Indian Children, provides financial assistance for:

(a) Projects designed to improve educational opportunities for Indian children by providing educational services that are not available in sufficient quantity or quality to those children; and

(b) Enrichment projects that introduce innovative and exemplary approaches, methods, and techniques into the education of Indian children in elementary and secondary schools.

(Authority: 25 U.S.C. 2621(a), (c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.2 Who is eligible for assistance under this program?

The following are eligible for assistance under this program:

(a) State educational agencies (SEAs).

(b) Local educational agencies (LEAs).

(c) Indian tribes.

(d) Indian organizations.

(e) Indian institutions.

(f) Consortia of Indian tribes or Indian organizations, local educational agencies, and institutions of higher education for projects described in § 253.10(c)

(Authority: 25 U.S.C. 2621(c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 253.

(Authority: 25 U.S.C. 2621(a), (c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2621(a), (c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 253.10 What types of projects may be funded?

(a) The Secretary may fund applications proposing projects that include, but are not limited to, those designed to:

(1) Improve acquisition of basic academic skills;

(2) Provide special educational services for handicapped and for gifted and talented Indian children;

(3) Stimulate interest in careers;

(4) Establish after-school educational centers;

(5) Stimulate interest in tribal culture and organization;

(6) Prevent school dropouts and reduce absenteeism;

(7) Establish or improve preschool education, including kindergarten;

(8) Provide guidance, counseling, and testing services; or

(9) Develop or improve instructional materials.

(b) The types of projects listed in paragraph (a) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activity that meets the purposes of this program.

(c) Consortia of eligible applicants described in § 253.2(f) may receive grants to develop, improve, and implement programs to—

(1) Encourage Indian students to acquire a higher education; and

(2) Reduce the incidence of dropouts among Indian elementary and secondary school students.

(Authority: 25 U.S.C. 2621(a)(2), (c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 253.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 253.32.

(b) The Secretary awards up to 100 possible total points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2621 (a), (c), (f)(1), (2))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.31 To what applicants does the Secretary give priority?

In addition to the points awarded under § 253.32, the Secretary awards 25 points to each application from an Indian tribe, Indian organization, or Indian institution, or from a consortium that includes an Indian tribe, Indian organization, or Indian institution of higher education.

(Authority: 25 U.S.C. 2621(f)(2)(B))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.32 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for the proposed services.

(2) In making this determination, the Secretary considers:

(i) The needs to be addressed by the project, including the extent and severity of these needs as indicated by the number and percentage of Indian children in the area to be served by the project who require the proposed services and by such factors as dropout rates, academic achievement levels, standardized test scores, or other appropriate measures;

(ii) A description of other services in the area—including those offered by the applicant—that are designed to meet the same needs as those to be addressed by the project and the number of Indian children who receive these other services;

(iii) Evidence that these other services are insufficient in either quantity or quality or both, or an explanation of why they are not used by children who require the proposed services; and

(iv) An explanation of why the applicant lacks the financial resources to conduct the project.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) In making this determination, the Secretary looks for—

(i) A clear statement of the purpose of the project;

(ii) Objectives that are—

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period;

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which parents and other members of

the Indian community are involved in the project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of the staff that the applicant plans to use for the project.

(2) In making this determination, the Secretary considers—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the children involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the resources to be devoted to the project are adequate.

(2) In making this determination the Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621 (c), (f)(1), (2))

[49 FR 23769, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated and amended at 54 FR 20482, May 11, 1989]

PART 254—PLANNING, PILOT, AND DEMONSTRATION PROJECTS FOR INDIAN CHILDREN

Subpart A—General

Sec.

254.1 Planning, Pilot, and Demonstration Projects for Indian Children.
254.2 Who is eligible for assistance under this program?
254.3 What regulations apply to this program?
254.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

254.10 What types of projects may be funded?

Sec.

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

254.30 How does the Secretary evaluate an application?
254.31 To what applicants does the Secretary give priority?
254.32 What selection criteria does the Secretary use for a planning grant?
254.33 What selection criteria does the Secretary use for a pilot grant?
254.34 What selection criteria does the Secretary use for a demonstration grant?

AUTHORITY: 25 U.S.C. 2621(a)(1), (b), unless otherwise noted.

Subpart A—General

§ 254.1 Planning, Pilot, and Demonstration Projects for Indian Children.

This program, Planning, Pilot, and Demonstration Projects for Indian Children, provides financial assistance for planning, pilot, and demonstration projects designed to create, test, and demonstrate the effectiveness of programs for improving educational opportunities for Indian children.

(Authority: 25 U.S.C. 2621(a)(1), (b))

[49 FR 23770, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 254.2 Who is eligible for assistance under this program?

The following are eligible for assistance under this program:

(a) State educational agencies (SEAs).

(b) Local educational agencies (LEAs).

(c) Indian tribes.

(d) Indian organizations.

(e) Indian institutions.

(f) Federally supported elementary and secondary schools for Indian children.

(Authority: 25 U.S.C. 2621(b))

[49 FR 23770, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 254.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 254.

(Authority: 25 U.S.C. 2621(a), (b))

[49 FR 23770, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 254.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2621(a), (b))

[49 FR 23770, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 254.10 What types of projects may be funded?

(a)(1) The Secretary may fund applications proposing projects designed to plan, test, or demonstrate the effectiveness of programs for improving educational opportunities for Indian children.

(2) An applicant may apply separately for one or more planning grant, pilot grant, or demonstration grant.

(3) An applicant may not apply for more than one type of grant for each proposed project.

(b) Proposed planning, pilot, or demonstration projects may include, but are not limited to:

(1) Activities designed to develop, test, replicate, or adapt:

(i) Curricular materials to improve the academic achievement of Indian children;

(ii) Successful educational practices to improve the academic achievement of Indian children;

(iii) Programs related to the educational needs of educationally deprived Indian children; or

(iv) Techniques to lower the school dropout rate or reduce absenteeism among Indian children;

(2) Development, testing and validation, or demonstration of materials appropriate for measuring the academic achievement of Indian children; or

(3) Coordination of the operation of other federally assisted programs that may be used to assist in meeting the educational needs of Indian children.

(c) The types of projects listed in paragraph (b) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activity that meets the purposes of this program.

(d) *Priorities.* (1) Each year the Secretary may select for priority for planning, pilot, or demonstration grants one or more of the types of projects listed in paragraph (b) of this section.

(2) The Secretary publishes the selected priorities, if any, in a notice in the FEDERAL REGISTER.

(Authority: 25 U.S.C. 2621(a)(1), (b))

[49 FR 23770, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 254.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the applicable criteria in § 254.32, § 254.33, or § 254.34, depending on the type of grant for which the applicant has applied.

(b) The Secretary awards up to 100 possible total points for the criteria established for each type of grant.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2621(b))

[49 FR 23770, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 254.31 To what applicants does the Secretary give priority?

In addition to the points awarded under § 254.32, § 254.33, or § 254.34, the Secretary:

(a) Awards 25 points to each application from an Indian tribe, Indian organization, or Indian institution; and

(b)(1) May award up to 10 points to an application for the extent to which the applicant addresses the priorities, if any, selected by the Secretary under § 254.10(d); or

(2) May give absolute preference to each application that addresses these priorities.

(Authority: 25 U.S.C. 2621(f)(2)(B))

[49 FR 23770, June 7, 1984. Redesignated at 54 FR 20482, May 11, 1989, and amended at 54 FR 20483, May 11, 1989]

§ 254.32 What selection criteria does the Secretary use for a planning grant?

The Secretary uses the following selection criteria in evaluating each application for a planning grant:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the planning project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of significant magnitude among Indian children;

(ii) A clear statement of the educational approach to be developed;

(iii) A description of the literature review, site visits, or other appropriate activity that shows that the applicant has made a serious attempt to learn from other projects that address similar needs or have tried similar approaches; and

(iv) Evidence that the project is likely to serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the planning project.

(2) In making this determination, the Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which parents of the children to be served and other members of the Indian community are involved in the planning project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the planning project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the planning project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the planning project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure the project's effectiveness in meeting each objective;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness for the method of analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the planning project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621(b), (f)(1), (2))

[49 FR 23770, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated at 54 FR 20482, May 11, 1989, and amended at 54 FR 20483, May 11, 1989]

§ 254.33 What selection criteria does the Secretary use for a pilot grant?

The Secretary uses the following selection criteria in evaluating each application for a pilot grant:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the pilot project;

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of significant magnitude among Indian children;

(ii) A clear statement of the educational approach to be tested in the project;

(iii) Evidence that:

(A) The plan on which the pilot project is based included an adequate literature review, site visits, or other appropriate activity; and

(B) The applicant has made a serious attempt to learn from research and from other projects that address similar needs or that have tried similar approaches; and

(iv) Evidence that the project is likely to serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the pilot project.

(2) The Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the parents of the children to be served and other members of the Indian community are involved in the pilot project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the pilot project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project;

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff; and

(v) The procedures the applicant intends to use to train staff for implementing the project.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the pilot project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the pilot project.

(2) In making this determination the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the children involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the pilot project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621(b), (f)(1), (2))

[49 FR 23770, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated at 54 FR 20482, May 11, 1989, and amended at 54 FR 20483, May 11, 1989]

§ 254.34 What selection criteria does the Secretary use for a demonstration grant?

The Secretary uses the following selection criteria in evaluating each application for a demonstration grant:

(a) *Need.* (15 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the demonstration project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of sufficient magnitude among Indian children;

(ii) A clear statement of the educational approach to be demonstrated and evidence that the project is likely to serve as a model for communities with similar educational needs; and

(iii) Evidence that:

(A) The plan and pilot project on which the demonstration project is based included an adequate literature review, site visits, or other appropriate activity; and

(B) The applicant has made a serious attempt to learn from research and from other projects that address similar needs or have tried similar approaches.

(b) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the demonstration project.

(2) In making this determination, the Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period;

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the parents of the Indian children to be served and other members of the Indian community are involved in the demonstration project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel to be used in the demonstration project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the development of the project;

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff; and

(v) The procedures the applicant intends to use to train staff, if necessary, for implementing the project.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the demonstration project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the demonstration project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the children involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Dissemination.* (15 points)

(1) The Secretary reviews each application for evidence that the applicant has an effective and efficient plan for disseminating information about the demonstration project, including the results of the project and any specialized materials developed by the project.

(2) In making this determination, the Secretary looks for:

(i) Information that shows high quality in the design of the dissemination plan and procedures for evaluating the effectivenes of the dissemination plan;

(ii) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting interested schools in adapting or adopting and successfully implementing the project; and

(v) Provisions for publicizing the findings of the project at the local, State, or national level.

(h) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the demonstration project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621(b), (f)(1), (2))

[49 FR 23770, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated at 54 FR 20482, May 11, 1989, and amended at 54 FR 20483, May 11, 1989]

PART 255—GIFTED AND TALENTED PROGRAM

Subpart A—General

Sec.

255.1 What is the Gifted and Talented Program?
255.2 Who is eligible for an award?
255.3 What regulations apply?
255.4 What definitions apply?
255.10 What activities may the Secretary fund?
255.11 Must the applicant or grantee coordinate activities with other entities?

Subpart B—[Reserved]

Subpart C—How does the Secretary Make an Award?

255.30 How does the Secretary evaluate an application?
255.31 What selection criteria does the Secretary use?
255.32 What other factors does the Secretary consider in selecting grantees?

AUTHORITY: 25 U.S.C. 2624(c), unless otherwise noted.

SOURCE: 54 FR 20483, May 11, 1989, unless otherwise noted.

Subpart A—General

§ 255.1 What is the Gifted and Talented Program?

This program provides five grants to Bureau-funded schools for gifted and talented program research, development and dissemination.

(Authority: 25 U.S.C. 2624(c))

§ 255.2 Who is eligible for an award?

Bureau-funded schools are eligible for grants under this program.

(Authority: 25 U.S.C. 2624(c), 2651)

§ 255.3 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 255.

(Authority: 25 U.S.C. 2624(c))

§ 255.4 What definitions apply?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2624(c))

§ 255.10 What activities may the Secretary fund?

The Secretary may fund program research and development, the development and dissemination of curriculum materials, and the development and dissemination of teacher training materials regarding one or more of the following:

(a) Gifted and talented students.

(b) College preparatory studies (including programs for Indian students interested in teaching careers).

(c) Students with special culturally related academic needs, including social, lingual, and cultural needs.

(d) Mathematics and science education.

(Authority: 25 U.S.C. 2624(c))

§ 255.11 Must the applicant or grantee coordinate activities with other entities?

(a) The supervisor of a Bureau school shall undertake jointly its application for, or administration of, a grant under this part with the supervisor of the local school board.

(b) Each grantee will work cooperatively with other recipients of funds under section 5324 of the Indian Education Act as part of a national network.

(Authority: 25 U.S.C. 2624(c), (d))

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 255.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the applicable criteria in § 255.31.

(b) The Secretary awards up to 100 possible total points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2624(c))

§ 255.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points). The Secretary assesses the need for the proposed project, including—

(1) The soundness of the rationale for the project and the extent and se-

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verity among Indian children of the educational needs to be addressed;

(2) The extent to which the educational approach to be developed is likely to be successful in meeting the needs;

(3) The extent to which the applicant is knowledgeable about other projects that address similar needs or have tried similar approaches; and

(4) The likelihood that the project will serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points). The Secretary reviews the plan of operation to ensure that—

(1) The purpose of the project is consistent with the needs identified and the purpose of the funding program;

(2) The design of the project is of high quality;

(3) The objectives of the project—

(i) Relate to the purpose of the project;

(ii) Will provide clear and measurable indices of the project in progress in achieving its purpose; and

(iii) Are capable of being achieved within the project period;

(4) The activities are appropriate and should result in the accomplishment of the project objectives; and

(5) The plan of management is effective and ensures proper and efficient administration of the project.

(c) *Parental and community involvement.* (10 points). The Secretary determines whether parents of the children to be served and other members of the Indian community will be involved in the project, including the extent of their involvement in—

(1) Planning and developing the project; and

(2) Operating and evaluating the project.

(d) *Quality of key personnel.* (15 points). The Secretary reviews the key personnel the applicant plans to use on the project to ensure that—

(1) The project director has the experience and training needed for the position;

(2) Other key personnel have the experience and training needed for their positions in the project; and

(3) Sufficient time will be committed to the project by key personnel.

(e) *Budget and cost effectiveness.* (5 points). The Secretary reviews the budget to ensure that—

(1) The budget is adequate to support the project activities; and

(2) The costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points) The Secretary reviews the evaluation plan to ensure that—

(1) The evaluation will measure the project's effectiveness in meeting each objective;

(2) The evaluation will measure the impact of the project on the children involved, if applicable;

(3) The instruments for collecting data and the methods for analyzing the data are appropriate;

(4) There is an appropriate timetable for collecting, analyzing, and reporting data;

(5) Procedures have been established for modification of the project, if necessary, as a result of periodic progress assessments; and

(6) Adequate provision has been made to cooperate with recipients of funds under section 5324 of the Indian Education Act in evaluating the project.

(g) *Dissemination.* (10 points). The Secretary reviews the plan for disseminating information about the project, including the results of the project and any materials developed by the project to ensure that—

(1) The dissemination plan is effective and and efficient;

(2) The materials disseminated are appropriate in terms of quality and utility;

(3) The method and techniques used by the project will be demonstrated;

(4) Schools interested in adapting or adopting the project's materials or methods will be assisted; and

(5) The findings of the project will be published at the local, State, or national level, and provision has been made to coordinate dissemination activities with recipients of funds under section 5324 of the Indian Education Act.

(h) *Adequacy of resources.* (5 points). The Secretary reviews the resources to be devoted to the project to ensure that—

(1) The facilities that the applicant plans to use are adequate; and

(2) The equipment and supplies that the applicant plans to use are adequate.

(Authority: 25 U.S.C. 2624(c), (d))

EFFECTIVE DATE NOTE: At 54 FR 20483, May 11, 1989, § 255.31 was added, effective after information collection requirements have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. A document announcing the effective date will be published in the Federal Register at a later date.

§ 255.32 What other factors does the Secretary consider in selecting grantees?

In addition to using the selection criteria in § 255.31, the Secretary selects projects that achieve a mixture of projects described in § 255.10 to ensure that students at all grade levels and students in all geographic areas of the country are able to participate in some projects funded under this program.

(Authority: 25 U.S.C. 2624(c), (d))

PART 256—EDUCATIONAL PERSONNEL DEVELOPMENT

Subpart A—General

Sec.

256.1 Educational Personnel Development.
256.2 Who is eligible for assistance under these programs?
256.3 What regulations apply to these programs?
256.4 What definitions apply to these programs?

Subpart B—What Kinds of Activities Does the Secretary Assist Under These Programs?

256.10 What types of projects may be funded?

Subpart C—How Does One Apply for a Grant?

256.20 What provisions for participation must an applicant make?

Subpart D—How Does the Secretary Make a Grant?

256.30 How does the Secretary evaluate an application?
256.31 To what applicants does the Secretary give priority?

Sec.

256.32 What selection criteria does the Secretary use?
256.33 What other factors does the Secretary consider in selecting grantees under the section 5321(d) program?

Subpart E—What Conditions Must Be Met by a Grantee

256.40 What costs are allowable for stipends and dependency allowances?
256.41 What other conditions must a grantee meet?

Subpart F—What Are the Administrative Responsibilities of a Grantee?

256.50 What preference must a grantee give in selecting participants?

AUTHORITY: 25 U.S.C. 2621(d), 2622, unless otherwise noted.

SOURCE: 49 FR 23774, June 7, 1984, unless otherwise noted.

Subpart A—General

§ 256.1 Educational Personnel Development.

(a) Educational Personnel Development includes two programs supporting projects designed to:

(1) Prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

(2) Improve the qualifications of persons serving Indian students in these capacities.

(b) The two programs included in Educational Personnel Development are:

(1) The program authorized by section 5321(d) of the Indian Education Act and referred to in this part as the section 5321(d) Program; and

(2) The program authorized by section 5322 of the Indian Education Act and referred to in this part as the section 5322 Program.

(Authority: 25 U.S.C. 2621(d), 2622)

[49 FR 23774, June 7, 1984, as amended at 54 FR 20484, May 11, 1989]

§ 256.2 Who is eligible for assistance under these programs?

(a) The following are eligible for assistance under the Section 5321(d) Program:

(1) Institutions of higher education.

(2) Local educational agencies (LEAs) in combination with institutions of higher education.

(3) State educational agencies (SEAs) in combination with institutions of higher education.

(b) The following are eligible for assistance under the Section 5322 Program:

(1) Institutions of higher education.

(2) Indian tribes.

(3) Indian organizations.

(Authority: 25 U.S.C. 2621(d), 2622)

[49 FR 23774, June 7, 1984, as amended at 54 FR 20484, May 11, 1989]

§ 256.3 What regulations apply to these programs?

The following regulations apply to these programs:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 256.

(Authority: 25 U.S.C. 2621(d), 2622)

§ 256.4 What definitions apply to these programs?

The definitions in 34 CFR 250.4 apply to these programs.

(Authority: 25 U.S.C. 2621(d), 2622)

Subpart B—What Kinds of Activities Does the Secretary Assist Under These Programs?

§ 256.10 What types of projects may be funded?

(a) The Secretary may fund applications proposing projects designed to:

(1) Prepare persons to serve Indian students as educational personnel or ancillary educational personnel, as described in paragraph (b) of this section;

(2) Improve the qualifications of persons serving Indian students in these types of positions; or

(3) Provide in-service training to persons serving Indian students in these types of positions.

(b) Projects assisted under these programs may prepare participants for positions such as teachers, special educators of handicapped or gifted and talented students, bilingual-bicultural specialists, guidance counselors, school psychologists, school administrators, teacher aides, social workers, adult education specialists or instructors, or college administrators.

(Authority: 25 U.S.C. 2621(d), 2622)

Subpart C—How Does One Apply for a Grant?

§ 256.20 What provisions for participation must an applicant make?

Prior to the submission of an applicant under this Part, each applicant shall—

(a) To the extent consistent with the number of eligible children in the area to be served who are enrolled in private nonprofit elementary and secondary schools and whose needs are of the type that the program is intended to meet, make provision for the participation on an equitable basis of persons serving or preparing to serve these children as educational personnel or ancillary educational personnel; and

(b) Have provided for adequate participation by relevant tribal communities, including parents of Indian children, in planning and developing this project and have made provision for their participation in operating and evaluating the project.

(Authority: 25 U.S.C. 2621 (d), (f)(1), (2), 2622)

[54 FR 20484, May 11, 1989]

Subpart D—How Does the Secretary Make a Grant?

§ 256.30 How does the Secretary evaluate an application?

(a) The Secretary reviews and approves applications under the section 5321(d) Program separately from applications under the section 5322 Program.

(b) The Secretary evaluates each application under either program on the basis fo the criteria in § 256.32.

(c) The Secretary awards up to 100 possible total points for these criteria.

(d) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2621(d), 2622)

[49 FR 23774, June 7, 1984, as amended at 54 FR 20484, May 11, 1989]

§ 256.31 To what applicants does the Secretary give priority?

In addition to the points awarded under § 256.32, the Secretary awards:

(a) Ten points to each application proposing a project in which all participants will be enrolled in—

(1) A course of study resulting in a degree at the bachelor's level or higher; or

(2) Courses beyond the bachelor's degree.

(b) Ten points to each application under the Section 5321(d) Program from an Indian institution of higher education;

(c) Ten points to each application under the Section 5321(d) Program proposing a project in which 100 percent of participants will be Indian.

(d) Fifteen points to each application under the Section 5322 Program from an Indian institution of higher education, Indian tribe, or Indian organization.

(Authority: 25 U.S.C. 2621 (d) and (f)(2)(B), 2622)

[49 FR 23774, June 7, 1984, as amended at 54 FR 20484, May 11, 1989]

§ 256.32 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for the type of personnel to be trained.

(2) In making this determination the Secretary considers—

(i) The conclusions of and supporting evidence from a current needs assessment or other appropriate documentation; and

(ii) The recency fo the assessment or other documentation.

(b) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) In making this determination, the Secretary looks for:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective;

(iv) Techniques designed specifically to enable project participants to meet the needs of Indian students; and

(v) A plan for effective administration of the project.

(c) *Benefit to Indian students.* (10 points)

(1) The Secretary reviews each application to determine the likelihood that, after receiving training under the project, the participants will serve Indian studeits as educational personnel or ancillary educational personnel, as described in § 256.10(b).

(2) In making this determination, the Secretary considers:

(i) Policies or practices of the applicant, such as those governing selection of participants, that increase the likelihood that participants will serve Indian students on completion of the training; and

(ii) Evidence that, on completion of the training, participants will be able to obtain positions that involve the education of Indian students.

(d) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the quality of the staff that the applicant plans to use for the project.

(2) In making this determination, the Secretary considers:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers expe-

rience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the participants; and

(ii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) In making this determination, the Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621 (d), (f)(1), (2), 2622)

[49 FR 23774, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 20484, May 11, 1989]

§ 256.33 What other factors does the Secretary consider in selecting grantees under the section 5321(d) program?

In addition to using the selection criteria in § 256.32, the Secretary considers the prior performance of a grantee under the section 5321(d) program in selecting grantees for new awards under the section 5321(d) program.

(Authority: 25 U.S.C. 2621(d)(4))

[54 FR 20484, May 11, 1989]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 256.40 What costs are allowable for stipends and dependency allowances?

(a) A grantee may, from project funds, pay to participants stipends and allowances for dependents.

(b) Each year, the Secretary announces in a notice in the FEDERAL REGISTER the estimated maximum amount of a stipend and the estimated maximum amount of an allowance for dependents.

(c)(1) In determining a participant's need for assistance and the amount of the assistance, the grantee shall deduct financial assistance—other than loans—received or expected to be received by the participant for his or her living expenses and for the support of his or her dependents.

(2) The total financial assistance provided to a participant from all sources other than loans may not exceed the participant's need for that assistance.

(d)(1) Unless approved by the Secretary, the grantee may not pay a stipend or dependency allowance to a participant who is not a full-time student.

(2) The Secretary may approve payment of a partial stipend to a teacher aide who must take leave without pay in order to be a part-time student.

(Authority: 25 U.S.C. 2621(d), 2622)

§ 256.41 What other conditions must a grantee meet?

Each grantee shall provide adequate information to participants about the intent of the training program.

(Authority: 25 U.S.C. 2621(d), 2622)

[54 FR 20485, May 11, 1989]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

§ 256.50 What preference must a grantee give in selecting participants?

In selecting project participants, a grantee shall give preference to Indians.

(Authority: 25 U.S.C. 2621(d), 2622)

PART 257—EDUCATIONAL SERVICES FOR INDIAN ADULTS

Subpart A—General

Sec.
257.1 Educational Services for Indian Adults.
257.2 Who is eligible for assistance under this program?
257.3 What regulations apply to this program?
257.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

257.10 What types of projects may be funded?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

257.30 How does the Secretary evaluate an application?
257.31 What selection criteria does the Secretary use?

AUTHORITY: 25 U.S.C. 2631, unless otherwise noted.

SOURCE: 49 FR 23776, June 7, 1984, unless otherwise noted.

Subpart A—General

§ 257.1 Educational Services for Indian Adults.

This program, Educational Services for Indian Adults, provides financial assistance for educational service projects designed to improve educational opportunities for Indian adults.

(Authority: 25 U.S.C. 2631(b))

§ 257.2 Who is eligible for assistance under this program?

The following are eligible for assistance under this program:

(a) Indian tribes.

(b) Indian organizations.

(c) Indian institutions.

(Authority: 25 U.S.C. 2631(b))

§ 257.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 257.

(Authority: 25 U.S.C. 2631)

§ 257.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2631)

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 257.10 What types of projects may be funded?

(a) The Secretary makes grants under this program for services and instruction below the college level.

(b) The Secretary may fund applications proposing projects designed to:

(1) Enable Indian adults to acquire basic educational skills, including literacy;

(2) Enable Indian adults to continue their education through the secondary school level;

(3) Establish career education projects intended to improve employment opportunities; and

(4) Provide educational services or instruction for:

(i) Handicapped or elderly Indian adults; or

(ii) Incarcerated Indian adults.

(c) The types of projects listed in paragraph (b) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activities that meets the purposes of this program.

(d)(1) The Secretary does not fund under this program activities designed solely to prepare individuals to enter a specific occupation or cluster of closely related occupations in an occupational field after participating in the project.

(2) However, if the following types of activities are otherwise authorized under this part, the Secretary may fund:

(i) Activities that are designed to prepare individuals to benefit from occupational training; and

(ii) Activities that incidentally involve the teaching of employment-related skills.

(Authority: 25 U.S.C. 2631)

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 257.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 257.31.

(b) The Secretary awards up to 100 possible total points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2631(b))

§ 257.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for the proposed services.

(2) In making this determination, the Secretary considers:

(i) The needs to be addressed by the project, including the extent and severity of these needs as indicated by the number and percentage of Indian adults in the area to be served by the project who need the proposed services and by such factors as elementary and secondary school dropout or absenteeism rates, average grade level completed, unemployment rates, or other appropriate measures;

(ii) A description of other services in the area—including those offered by the applicant—that are designed to meet the same needs as those to be addressed by the project, and the number of Indian adults who receive these other services;

(iii) Evidence that these other services are insufficient in quantity or quality or both, or an explanation of why these other services are not used by adults who require the proposed services; and

(iv) An explanation of why the applicant lacks the financial resources to conduct the project.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the individuals to be served and other members of the Indian community are involved in the project.

(2) The Secretary looks for information that shows that individuals to be served and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of the staff that the applicant plans to use for the project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application for information to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the adults involved;

(ii) The applicant's plan for collecting and analyzing data including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1). The Secretary reviews each application to determine the extent to which the resources to be devoted to the project are adequate.

(2) In making this determination, the Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2631 (b), (d))

[49 FR 23776, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988]

PART 258—PLANNING, PILOT, AND DEMONSTRATION PROJECTS FOR INDIAN ADULTS

Subpart A—General

Sec.
258.1 Planning, Pilot, and Demonstration Projects for Indian Adults.
258.2 Who is eligible for assistance under this program?
258.3 What regulations apply to this program?
258.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist under This Program?

258.10 What types of projects may be funded?

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Subpart D—How Does the Secretary Make a Grant?

258.30 How does the Secretary evaluate an application?
258.31 To what applicants does the Secretary give priority?
258.32 What selection criteria does the Secretary use for a planning grant?
258.33 What selection criteria does the Secretary use for a pilot grant?
258.34 What selection criteria does the Secretary use for a demonstration grant?

Authority: 25 U.S.C. 2631(a), unless otherwise noted.

Source: 49 FR 23777, June 7, 1984, unless otherwise noted.

Subpart A—General

§ 258.1 Planning, Pilot, and Demonstration Projects for Indian Adults.

This program, Planning, Pilot, and Demonstration Projects for Indian Adults, provides financial assistance for planning, pilot, and demonstration projects designed to create, test, and demonstrate the effectiveness of programs for improving employment and educational opportunities for Indian adults.

(Authority: 25 U.S.C. 2631(a))

§ 258.2 Who is eligible for assistance under this program?

The following are eligible for assistance under this program:

(a) State educational agencies (SEAs).

(b) Local educational agencies (LEAs).

(c) Indian tribes.

(d) Indian organizations.

(e) Indian institutions.

(Authority: 25 U.S.C. 2631(a))

§ 258.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 258.

(Authority: 25 U.S.C. 2631(a))

§ 258.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2631(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 258.10 What types of projects may be funded?

(a)(1) The Secretary may fund applications proposing projects designed to plan, test, or demonstrate the effectiveness of programs for improving employment and educational opportunities for Indian adults.

(2) An applicant may apply separately for one or more planning grants, pilot grants, or demonstration grants.

(3) An applicant may not apply for more than one type of grant for each proposed project.

(b) Proposed planning, pilot, or demonstration projects may include, but are not limited to, activities designed to develop, test, replicate, or adapt—

(1) Educational approaches to assist Indian adults in achieving basic literacy;

(2) Methods for improving the basic skills of Indian adults so that they may benefit from occupational training; or

(3) Educational approaches to assist Indian adults in qualifying for high school equivalency certificates in the shortest time feasible.

(c) The types of projects listed in paragraph (b) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activity that meets the purposes of this program.

(d) If a proposed project includes services and instruction, those services and instruction must be below the college level.

(e)(1) The Secretary does not fund under this program activities designed solely to prepare individuals to enter a specific occupation or cluster of closely related occupations in an occupational field after participating in the project.

(2) However, if the following types of activities are otherwise authorized under this part, the Secretary may fund:

(i) Activities that are designed to prepare individuals to benefit from occupational training; and

(ii) Activities that incidentally involve the teaching of employment-related skills.

(f) *Priorities.* (1) Each year the Secretary may select for priority for planning, pilot, or demonstration grants one or more of the types of projects listed in paragraph (b) of this section.

(2) The Secretary publishes the selected priorities, if any, in a notice in the Federal Register.

(Authority: 25 U.S.C. 2631(a))

[49 FR 23777, June 7, 1984, as amended at 54 FR 20485, May 11, 1989]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 258.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the applicable criteria in § 258.32, 258.33, or 258.34, depending on the type of grant for which the applicant has applied.

(b) The Secretary awards up to 100 possible total points for the criteria established for each type of grant.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2631(a))

§ 258.31 To what applicants does the Secretary give priority?

In addition to the points awarded under § 258.32, 258.33, or 258.34, the Secretary:

(a) Awards 25 points to each application from an Indian tribe, Indian organization, or Indian institution; and

(b)(1) May award up to 10 points to an application for the extent to which the applicant addresses the priorities, if any, selected by the Secretary under § 258.10(f); or

(2) May give absolute preference to applications that address these priorities.

(Authority: 25 U.S.C. 2631(d)(3))

§ 258.32 What selection criteria does the Secretary use for a planning grant?

The Secretary uses the following selection criteria in evaluating each application for a planning grant:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the planning project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of sufficient magnitude among Indian adults;

(ii) A clear statement of the educational approach to be developed;

(iii) A description of the literature review, site visits, or other appropriate activity that shows that the applicant has made a serious attempt to learn from other projects that address similar needs or have tried similar approaches; and

(iv) Evidence that the project is likely to serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the planning project.

(2) In making this determination, the Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which individuals to be served and other members of the Indian community are involved in the planning project.

(2) The Secretary looks for information that shows that individuals to be served and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the planning project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the planning project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the planning project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure the project's effectiveness in meeting each objective;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the planning project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2631 (a), (d))

[49 FR 23777, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988]

§ 258.33 What selection criteria does the Secretary use for a pilot grant?

The Secretary uses the following selection criteria in evaluating each application for a pilot grant:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the pilot project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of significant magnitude among Indian adults;

(ii) A clear statement of the educational approach to be tested in the project;

(iii) Evidence that:

(A) The plan upon which the pilot project is based included an adequate literature review, site visits, or other appropriate activity; and

(B) The applicant has made a serious attempt to learn from research and from other projects that address similar needs or that have tried similar approaches; and

(iv) Evidence that the project is likely to serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the pilot project.

(2) The Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which individuals to be served and other members of the Indian community are involved in the pilot project.

(2) The Secretary looks for information that shows that individuals to be served and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the pilot project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project;

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff; and

(v) The procedures the applicant intends to use to train staff for implementing the project.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the pilot project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the pilot project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the adults involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the pilot project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2631 (a), (d))

[49 FR 23777, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 20485, May 11, 1989]

§ 258.34 What selection criteria does the Secretary use for a demonstration grant?

The Secretary uses the following selection criteria in evaluating each application for a demonstration grant:

(a) *Need.* (15 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the demonstration project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of significant magnitude among Indian adults;

(ii) A clear statement of the educational approach to be demonstrated and evidence that the project is likely tm serve as a model for communities with similar educational needs; and

(iii) Evidence that:

(A) The plan and pilot project on which the proposed demonstratimn project is based included an adequate literature revieu, site visits, or other appropriate activity; and

(B) The applicant has made a serious attempt to learn from research and from other projects that address similar needs or have tried similar approaches.

(b) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the demonstration project.

(2) In making this determination, the Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the individuals to be served and other members of the Indian community are involved in the demonstration project.

(2) The Secretary looks for information that shows that individuals to be served and other members of the Indian community:

(i) Were involved in planning and developing the demonstration project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the demonstration project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (d)(2) (i) and (ii) of this section will commit to the development of the project;

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff; and

(v) The procedures the applicant intends to use to train staff, if necessary, for implementing the projects.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveless.* (10 points)

(1) The Secretary reviews each application for information that shows that the demonstration project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the adults involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Dissemination.* (15 points)

(1) The Secretary reviews each application for evidence that the applicant has an effective and efficient plan for disseminating information about the demonstration project, including the results of the project and any specialized materials developed by the project.

(2) In making this determination, the Secretary looks for:

(i) Information that shows high quality in the design of the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(ii) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting interested Indian communities in adapting or adopting and successfully implementing the project; and

(v) Provisions for publicizing the findings of the project at the local, State, or national level.

(h) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the demonstration project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2631 (a), (d))

[49 FR 23777, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 20485, May 11, 1989]

PART 263—INDIAN FELLOWSHIP PROGRAM

Subpart A—General

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263.31 Disbursement of funds.

AUTHORITY: 25 U.S.C. 2623, unless otherwise noted.

Subpart A—General

§ 263.1 What is the Indian Fellowship Program?

The Indian Fellowship Program provides fellowships to enable Indian students to pursue a course of study leading to—

(a) A postbaccalaureate degree in medicine, law, education, psychology, clinical psychology, or a related field; or

(b) An undergraduate or postbaccaluareate degree in business administration, engineering, natural resources, or a related field.

(Authority: 25 U.S.C. 2623)

[54 FR 21577, May 18, 1989]

§ 263.2 Who is eligible to apply under the Indian Fellowship Program?

(a) In order to be eligible for a fellowship an applicant must be:

(1) An Indian as defined in § 263.3;

(2) A United States citizen; and

(3)(i) Currently in attendance or accepted for admission as a full-time undergraduate or postbaccalaureate student at an accredited institution of higher education in one of the fields listed in § 263.4 or a related field; and

(ii) Recognized by that institution as a degree candidate.

(b) An applicant must not have obtained a terminal postbaccalaureate degree.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.3 What definitions apply to the Indian Fellowship Program?

The following definitions apply to the Indian Fellowship Program:

Department means the U.S. Department of Education.

Dependent allowance means costs for the care of minor children who reside with the Fellow.

Expenses means tuition and required fees, required university health insurance, room, personal living expenses, and board at or near the institution, travel in cases of extreme hardship, instructional supplies, and dependent allowance.

Fellow means the recipient of a fellowship under the Indian Fellowship Program.

Fellowship means an award under the Indian Fellowship Program.

Full course load means the number of credit hours which the institution requires of a full-time student.

Full-time student means a student who:

(a) Is a degree candidate;

(b) Carries a full course load; and

(c) Is not employed for more than 20 hours a week.

Good standing means a cumulative grade point average of at least 2.0 on a 4.0 grade point scale in which failing grades are computed as part of the average, or another appropriate standard established by the institution.

Indian means an individual who is—

(a) A member of an Indian tribe, band, or other organized group of Indians (as defined by the Indian tribe, band, or other organized group), including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside;

(b) A descendant, in the first or second degree, of an individual described in paragraph (a) of this definition;

(c) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(d) An Eskimo, Aleut, or other Alaska Native.

Institution of higher education means that term as defined in 34 CFR 250.4.

Secretary means the Secretary of the Department of Education or an official or employee of the Department acting for the Secretary under a delegation of authority.

Stipend means that portion of a fellowship award that is used for room and board and personal living expenses.

Undergraduate degree means a baccalaureate (bachelor's) degree awarded by an institution of higher education.

(Authority: 25 U.S.C. 2623, 2651)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.4 What are the allowable fields of study?

(a) The following are allowable fields for a postbaccalaureate degree under this program:

(1) Medicine.

(2) Clinical Psychology.

(3) Law.

(4) Education.

(5) Psychology.

(b) The following are allowable fields for an undergraduate or postbaccalaureate degree under this program:

(1) Business Administration.

(2) Engineering.

(3) Natural resources.

(c) The Secretary considers, on a case-by-case basis, the eligibility of applications for fellowships in related fields of study.

(Authority: 25 U.S.C. 2623)

[54 FR 21577, May 18, 1989]

§ 263.5 What does a fellowship award include?

(a) The Secretary awards a fellowship in an amount up to, but not more than, the expenses as defined in this Part. The assistance provided by the program either—

(1) Fully finances a student's educational expenses; or

(2) Supplements other financial aid, including Federal funding, other than loans, for meeting educational expenses.

(b) The Secretary announces the expected maximum amounts for subsistence and other fellowship costs in the annual application notice published in the FEDERAL REGISTER.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

Subpart B—What Should the Application Contain?

§ 263.6 Application contents: Evidence that the applicant is Indian.

An application must contain evidence that the applicant is Indian as defined in § 263.3 of this part.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.7 Application contents: Evidence of admission or attendance.

(a) An application must contain evidence that the applicant is currently in attendance or has been accepted for admission as a full-time student at an accredited institution of higher education in one of the eligible fields of study listed in § 263.4.

(b) An applicant who has not yet been accepted for admission may submit an application that the Secretary may consider, provided that the applicant is accepted by an accredited institution of higher education by a date to be specified by the Secretary.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.8 Application contents: Transcripts.

(a) An applicant for an undergraduate fellowship shall submit the most current official high school and, if appropriate, undergraduate transcripts.

(b) An applicant for a graduate fellowship shall submit the most current official undergraduate and, if appropriate, graduate transcripts.

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(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

Subpart C—How Does the Secretary Select Fellows?

§ 263.11 What priorities may the Secretary establish?

(a) Each year the Secretary may establish priorities among the allowable fields of study described in § 263.4.

(b) The Secretary announces the priorities selected and the approximate amount of funds reserved for any combination of the various fields or related fields of study in the application notice published in the FEDERAL REGISTER.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.12 How does the Secretary evaluate applications?

(a) The Secretary evaluates an application on the basis of the criteria listed in paragraphs (c), (d), and (e) of this section, in addition to the priority points awarded under § 263.13. The maximum possible point range for each criterion is stated in parentheses. The number of points the Secretary awards for each criterion depends on how well the application addresses all of the factors of that criterion. The total number of points available under the criteria in this section is 100.

(b) The Secretary evaluates and ranks an application with other applications for the same field and related fields.

(c) *Official academic record.* (80 points) (1) The Secretary considers the quality of the applicant's academic record and the applicant's potential for success in his or her field of study by reviewing the items in paragraphs (c)(2) and (3) of this section.

(2) The Secretary reviews the applicant's grade and if applicable standardized test scores, such as the Scholastic Aptitude Test (SAT), American College Testing Assessment Program (ACT), Graduate Record Examination (GRE), Law School Admissions Test (LSAT), Medical College Admission Test (MCAT), and achievements tests.

(3) The Secretary reviews the applicant's official transcripts and any grade reports and test scores.

(d) *Leadership.* (10 points) (1) The Secretary reviews documentation of any leadership positions held by the applicant while in school and three letters of assessment that address the applicant's potential for success and leadership in his or her field of study.

(2) The applicant shall submit three letters, one from each of the following groups:

(i) A school principal, a teacher, an academic or non-academic instructor or counselor.

(ii) A college professor, a coordinator of a project funded under Subpart 1 of the Indian Education Act of 1988, or an academic advisor.

(iii) A member of a parent committee for a project funded under Subpart 1 of the Indian Education Act of 1988, a tribal council member, or a civic leader who has observed the applicant in educational, social, or civic activities.

(e) *Commitment.* (10 points) (1) The Secretary considers the applicant's commitment by reviewing an educational commitment essay written by the applicant. The Secretary awards up to 10 points for this criterion.

(2) In reviewing the essay, the Secretary looks for:

(i) The applicant's ability to write clearly;

(ii) How well and the extent to which the applicant expresses a commitment of pursuing his or her chosen field of study; and

(iii) The extent to which the essay explains how participation in the fellowship program will enable the applicant to achieve his or her potential and assist him or her in providing leadership to the Indian Community.

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(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 21577, May 18, 1989]

§ 263.13 What priority is given to certain applicants?

(a) The Secretary awards not more than 10 percent of the fellowships, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

(b)The Secretary shall award 15 additional points beyond those awarded under § 263.12 to applicants who apply for graduate fellowships in the fields of business administration, engineering, natural resources, and related fields.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

Subpart D—What Conditions Must Be Met by Fellows?

§ 263.21 Required certification of information.

To verify further the accuracy of the information provided in the application, the applicant shall provide all information and documents as requested by the Secretary, including information on other financial aid sources for educational purposes. The applicant's failure to provide the requested information and documents invalidates the application.

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(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

§ 263.22 Time period for a fellowship.

(a) The Secretary awards a fellowship for a period of time set by the school as standard for the allowable field of study or for a period of time—

(1) Not to exceed four academic years for an undergraduate or doctorate degree; and

(2) Not to exceed two academic years for a master's degree.

(b) The Secretary reviews the status of each Fellow at the end of each year and continues support only if the Fellow—

(1) Has complied with the Indian Education Act of 1988 and applicable regulations;

(2) Has remained a full-time student in good standing in the field in which the fellowship was awarded; and

(3) Has submitted a noncompeting continuation application requesting additional support.

(c) A fellowship terminates when the Fellow receives the degree being sought or after the Fellow has received the fellowship for the maximum number of years allowed as defined in paragraph (a) of this section, whichever comes first.

(d) A Fellow who received an undergraduate degree may seek support under this program to pursue a graduate level or postbaccalaureate degree by submitting a new application.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

§ 263.23 Responsibilities of a Fellow.

A Fellow shall—

(a) Start school during the first semester of the award at the institution named on the grant award document and complete at least one full academic term;

(b) Submit to the Secretary two copies of his or her official grade report at the close of each academic term at that institution; and

(c) Request a leave of absence from the Secretary for any interruption in his or her program of academic studies.

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(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 21578, May 18, 1989]

§ 263.24 Leave of absence requests.

(a) A Fellow may request a leave of absence from the Secretary for a period not longer than 9 months.

(b) The Secretary permits a leave of absence only if the institution certifies that the Fellow is eligible to resume his or her course of study at the end of the leave of absence.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

§ 263.25 Discontinuation of fellowship payments.

(a) The Secretary may discontinue the fellowship, if the Fellow—

(1) Fails to comply with the provisions under this Part, including failure to obtain an approved leave of absence under § 263.24, or with the terms and conditions of the fellowship award; or

(2) Fails to report any change in his or her academic status.

(b) The Secretary will discontinue a fellowship only after providing reasonable notice and an opportunity for the Fellow to rebut, in writing or in an informal meeting with the responsible official in the Department of Education, the basis for the decision.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

Subpart E—Who Is Responsible for Grant Payments?

§ 263.31 Disbursement of funds.

(a) Funds are disbursed directly to the institution of higher education where a Fellow is enrolled. Stipends must be distributed to Fellows in installments by the institution. No fewer than two installments per academic year may be made.

(b) If the fellowship is vacated or discontinued—

(1) The Secretary may elect to allow the fellowship to follow the Fellow to another institution if the Fellow transfers during the current award period and maintains eligibility for the award;

(2) The Secretary may award the unexpended funds from the fellowship to an alternate applicant at that institution for a period of study that does not exceed the term or amount of the original fellowship; or

(3) The Secretary may require the institution to return the unexpended funds.

(c) A Fellow who officially or unofficially withdraws or is expelled from an institution before completion of a term shall refund a prorated portion of the stipends, that has been received, as determined by the Secretary.

(Authority: 25 U.S.C. 2623)

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ABOUT THE COVER . . .

The original artwork on the cover of this report is entitled, **"THEM, LISTENIN'."** The National Advisory Council on Indian Education is very appreciative of **Mr. Sam English** for painting this watercolor especially for the cover of this report.

Mr. English, an Ojibwe Indian artist is a descendant of both the Turtle Mountain Band and the Red Lake Band of Ojibwe Indians. He is a renowned watercolorist, whose work is controlled, utilizing vivid, saturated colors with faces and figures of the Indians laid down on paper with a bright sinuosity. The Indians in his paintings look at the viewer with questioning eyes. The several recurring thematic elements woven throughout Mr. English's paintings are bright color, feathers, sunglasses, and robes. The printing of the cover of the Council's annual report is always done in one color of ink, so Mr. English has accommodated this requirement.

Mr. English lives and paints in the Southwest and currently is at the Sam English Studio/Gallery, Ltd., 400 San Felipe NW., Old Town Albuquerque, New Mexico 87104. Telephone: 505-843-9332.